Milford. 1640.

Aug. 1641.

"M.t Needham born in 1620. educated at Oxford. He espoused all colors of the Commonwealth during their contentions times. It being discharged from writing publick intelligence by the Council of State, in March 1660, was allowed to write as the Restauration." till, at long th., says Atwood, his mortal enemies, mutable & revolting as they are, died suddenly in Devereux Ct. Nov. 1685."—

Chalmers.

M.t Needham published Merc: Britannicus for the Parliament, begn. Aug. 16-22, 1643. In 1647 he commenced Merc: Pragmaticus for the King. & 1649. Merc: Politicus for Oliver. This was the Goliah of the Philistines, the great Champion of the Late Usurper &c. v. Br. Bibliog. I. 514.

calf neat, 3s

447 Needham. (Marchmont) The Excellencie of a Free State, [edited by Baron] 8vo. *calf neat*, 2s 6 10 176

448 Needham's (Marchmont) View of England's True Interest in reference to the *Papist*, *Royalist* *Presbyterian*, *Baptized*, *Neuter*, *Army*, *Parliament* *City of London*, &c. 4to. 3s 1659

See H. Walpole's Miscr: Corresp: vol. iii. p. 377. "I have already been told, what you tell me of Marchmont Needham".

THE EXCELLENCIE OF
A FREE STATE

LONDON PRINTED FOR
A. MILLAR AND T. CADELL IN THE STRAND,
G. KEARSLY IN LUDGATE STREET, AND
H. PARKER IN CORNHILL
MDCCLXVII

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PREFACE TO THIS EDIT.

On the ſubject of government, no country hath produced writings ſo numerous and valuable as our own. It hath been cultivated and adorned by men of greateſt genius, and moſt comprehenſive underſtanding, MILTON, HARRINGTON, SYDNEY, LOCKE, names famous to all ages.

But, beſide their incomparable writings, many leſſer treatiſes on the ſame argument, which are little known, and extremely ſcarce, deſerve to be read and preſerved: in which number may be reckoned the ſmall volume I now give the public, written by MARCHAMONT NEDHAM, a man, in the judgment of ſome, inferior only to MILTON.

It was firſt inſerted in the *Mercurius Politicus*, that celebrated ſtate-paper, publiſhed "in defence of the Common-"wealth, and for the information of the people;" and ſoon after re-printed

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in 12mo, under the following title, "The Excellencie of a Free State. Or, "The right conſtitution of a Common-"wealth. Wherein all objections are "anſwered, and the beſt way to ſecure "the people's liberties diſcovered. With "ſome errors of government, and rules "of policie. Publiſhed by a well-wiſher "to poſteritie. London, printed for Tho-"mas Brewſter, at the weſt end of "Paul's, 1656."

An account of the author may be ſeen in *A. Wood's Athenae Oxonienſes*, tho' drawn in bitterneſs of wrath and anger.

If this volume ſhall be favorably received, the editor will go on to give other rare treatiſes on government in his poſſeſſion, to the entertainment and benefit, as he hopes, of the public.

Reader, farewel,

Richard Baron

Below Blackheath, Jan. 1, 1767

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TO

THE READER.

TAKING notice of late with what impudence, and (the more is the pity) confidence, the enemies of this commonwealth in their public writings and diſcourſes labour to undermine the dear-bought liberties and freedoms of the people, in their declared intereſt of a free-ſtate; I thought it high time, by counter-working them, to cruſh the cockatrice in the egg, that ſo it might never grow to be a bird of prey: in order thereto, I have publiſhed this following diſcourſe to the world; that ſo the eyes of the people being opened, they may ſee whether thoſe high and ranting diſcourſes of perſonal prerogative and unbounded monarchy, (eſpecially one lately publiſhed by Mr. Howel, that ſtruts abroad with a brazen face) or a due and orderly ſucceſſion of the ſupreme authority in the hands of the people's repreſentatives, will beſt ſecure the liberties and freedoms of the people from the incroachments and uſurpations of tyranny, and anſwer the true ends of the late wars.

This treatiſe is not intended for a particular anſwer to Mr. Howel's ſaid book, but yet may obviate that part thereof which he calls, "Some reflexes upon government:" for his main deſign is not ſo much, (though that be part) to aſperſe the Long Parliament, (and ſo through their ſides to wound all their friends and adherents) as to lay a foundation for abſolute tyranny, upon an unbounded monarchy: and in order thereunto, he adviſes his Highneſs to lay aſide parliaments, (or at beſt, to make them cyphers) and to govern the nation *vi & armis*: not out of any honour or reſpect he bears to his perſon, "but to bring "the old intereſt and family into more credit "and eſteem with the people."

His principles and precedents, they are purely his own: for I am confident, that the moſt conſiderate part of thoſe that did engage for the late king, are ſo far from owning his tenets, that they would rather lay aſide the family and intereſt of the Stuarts, and declare for a free-ſtate, than endure to be yoked and enſlaved by ſuch an abſolute tyranny as he pleads for. My reaſon is this: becauſe moſt of the nobility and gentry of this nation have fair eſtates of their own, free, without any dependence upon the crown; and they would be as unwilling to render

render up their eſtates and poſterities in the paw of the lion, as the commoners themſelves.

His precedents are as falſe as his principles are bad: for proof hereof, take one (and that a main one) for all: he ſaith, "That until the "reign of Henry the Firſt, the commons of "England were not called to the parliament "at all, or had ſo much as a conſent in the "making of laws."

To prove that this is falſe, there is extant an old Latin copy ſpeaking of a parliament in the reign of king Ethelred; which telleth us, that in it were *univerſi Anglorum optimates Ethelredi regis edicto: & convocata plebis multitudine collectæ regis edicto:* A writ of ſummons for all the lords, and for choice of the commons: a full and clear parliament. My author ſaith, "The proofs of parliaments, "in Canute's time, are ſo many, and ſo full, "that they tire us altogether." His remarkable letter from Rome, recorded by the Monk of Malmſbury, runs thus: To the archbiſhops, biſhops, &c. *Primatibus & toti genti Anglorum, tam nobilibus, quam plebeis.* Hoveden is full in this alſo; *Cujus (Edmundi) poſt mortem, rex Canutus omnes epiſcopos,*

copos, duces, nec non & principes, cunctoſque optimates gentis Angliæ, Lundoniæ congregari juſſit. A clear ſummons of parliament.

Howel ſaith William the Conqueror firſt brought the word parliament.

And the very name of parliament is found (ſaith my author) in his time, in the old book of Edmund's-Bury. *Rex Canutus, anno regni* 5. *cunctos regni ſui prælatos, proceresque, ac magnates, ad ſuum convocans parliamentum.* And that it was a full parliament, we may believe from the perſons we find there, at the charter to that monaſtery; confirmed by Hardicanute, but granted by Canute, *in ſuo publico parliamento, præſiſtentibus perſonaliter in eodem archi-epiſcopis, epiſcopis, ſuffraganeis, ducibus, comitibus, abbatibus, cum quam plurimis gregariis militibus* (knights of ſhires it ſeems) *& cum populi multitudine copioſa* (other commons alſo) *omnibus tum eodem parliamento perſonaliter exiſtentibus.* Edward the Confeſſor refers the repairing of Weſtminſter to the parliament: at length, *cum totius regni electione,* (they are his own words) he ſets upon the decayed minſter.

Mr. Howel would have his Highneſs lay a ſeſſment for the repairing of Paul's without conſent of parliament.

But they that would know more of the cuſtoms and conſtitutions of this nation, let them repair to thoſe large volumes, that are ſo frequent in print upon that ſubject; eſpecially that excellent piece, "The Rights of the

the Kingdom." This may ſuffice to prove that the commons were called to parliament long before Henry the Firſt.

I believe none will be offended with this following diſcourſe, but thoſe that are enemies to public welfare: let ſuch be offended ſtill: it is not for their ſake that I publiſh this enſuing treatiſe; but for your ſakes, that have been noble patriots, fellow-ſoldiers; and ſufferers for the liberties and freedoms of your country, that poſterity in after-ages may have ſomething to ſay and ſhew to (if God ſhall permit any) ſucceeding tyrants, wherefore their fathers ſacrificed their lives, and all that was dear to them: It was not to deſtroy magiſtracy, but to regulate it; nor to confound propriety, but to enlarge it: that the prince as well as the people might be governed by law; that juſtice might be impartially diſtributed without reſpect of perſons; that England might become a quiet habitation for the lion and the lamb to lie down and feed together; and that none might make the people afraid: it was for theſe things they fought and died; and that not as private perſons neither, but by the public command and conduct of the ſupreme power of the nation, viz. the people's repreſentatives

in parliament: and nothing will ſatisfy for all the blood and treaſure that hath been ſpilt and ſpent, make England a glorious commonwealth, and ſtop the mouths of all gainſayers, but a due and orderly ſucceſſion of the ſupreme authority in the hands of the people's repreſentatives.

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INTRODUCTION

TO THE

FOLLOWING DISCOURSE.

WHEN the ſenators of Rome, in their public decrees and orations, began to comply with and court the people, calling them "lords of the world;" how eaſy a matter was it then for Gracchus to perſuade them to un-lord the ſenate? In like manner, when Athens was quitted of kings, the power was no ſooner declared to be in the people, but immediately they took it, and made ſure of it in their own hands, by the advice of Solon, that excellent lawgiver: for, as Cicero ſaith, There is a natural deſire of power and ſovereignty in every man, ſo that if any have once an opportunity to ſeize, they ſeldom neglect it; and if they are told it is their due, they venture life and all to attain it.

If a people once conceive they ought to be free, this conception is immediately put in practice; and they free themſelves. Their firſt care is to ſee, that their laws, their rights, their deputies, their officers, and all their dependents, be ſettled in a ſtate of freedom. This becomes like the apple of the eye; the leaſt grain, atom, or touch, will grieve it: it is an eſpouſed virgin; they are extreme jealous over it.

Thus ſtrangely affected were the Roman people, that if any one among them (though ne'er ſo deſerving) were found to aſpire, they preſently fetched him down, as they did the gallant Mælius and Manlius; yea, their jealouſy was ſo great, that they obſerved every man's looks, his very nods, his garb, and his gait, whether he walked, converſed, and lived as a friend of freedom among his neighbours. The ſupercilious eye, the lofty brow, and the grand paw, were accounted monſters, and no character of freedom; ſo that it was the ſpecial care of the wiſer patriots, to keep themſelves in a demure and humble poſture, for the avoiding of ſuſpicion. Hence it was that Collatinus, one of their freedom's founders, and of their firſt conſuls, living in ſome more ſtate than ordinary, and keeping at too great a diſtance from the people, ſoon

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taught them to forget his former merits: insomuch, that they not only turned him out of his conſulſhip, but quite out of the city into baniſhment. But his colleague Brutus, and that wiſe man Valerius Publicola, by taking a contrary courſe, preſerved themſelves and their reputation. For, the one ſacrificed his children, thoſe living monuments of his houſe, to make the vulgar amends for an injury: the other courted them with the title of majeſty, laid the faſces, the enſigns of authority, at their feet, fixt all appeals at their tribunals, and levelled the lofty walls of his own ſtately houſe, for fear they ſhould miſtake it for a caſtle. Thus alſo did Menenius Agrippa, Camillus, and other eminent men in that popular ſtate: ſo that by theſe means they made themſelves the darlings of the people, whilſt many others of a more grandee-humour, ſoon loſt their intereſt and reputation.

Thus you ſee, that when a people's right is once declared to them, it is almoſt impoſſible to keep it, or take it from them.

It is pity, that the people of England, being born as free as any people in the world, ſhould be of ſuch a ſupple humour and inclination, to bow under the ignoble preſſures of

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an arbitrary tyranny, and ſo unapt to learn what true freedom is. It is an ineſtimable jewel, of more worth than your eſtates, or your lives; it conſiſts not in a licence to do what you liſt, but in theſe few particulars: Firſt, in having wholeſome laws ſuited to every man's ſtate and condition. Secondly, in a due and eaſy courſe of adminiſtration, as to law and juſtice, that the remedies of evil may be cheap and ſpeedy. Thirdly, in a power of altering government and governors upon occaſion. Fourthly, in an uninterrupted courſe of ſucceſſive parliaments, or aſſemblies of the people. Fifthly, in a free election of members to ſit in every parliament, when rules of election are once eſtabliſhed. By enjoying theſe only, a people are ſaid to enjoy their rights, and to be truly ſtated in a condition of ſafety and freedom.

Now if liberty is the moſt precious jewel under the ſun, then when it is once in poſſeſſion, it requires more than an ordinary art and induſtry to preſerve it. But the great queſtion is, Which is the ſafeſt way? whether by committing of it into the hands of a ſtanding power, or by placing the guardianſhip in the hands of the people, in a conſtant ſucceſſion of their ſupreme aſſemblies. The beſt way to determine this, is by obſervation out

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of Roman ſtories; whereby it plainly appears, that people never had any real liberty, till they were poſſeſſed of the power of calling and diſſolving the ſupreme aſſemblies, changing governments, enacting and repealing laws, together with a power of chuſing and deputing whom they pleaſed to this work, as often as they ſhould judge expedient, for their own well-being, and the good of the public. This power is ſaid to be the firſt-born of that people's freedom: and many a ſhrewd fit, many a pang and throw the commonwealth had, before it could be brought forth in the world: which (Gracchus told them) was a ſore affliction from the gods, that they ſhould ſuffer ſo much for the ignorance or negligence of their anceſtors, who when they drove out kings, forgot to drive out the myſteries and inconveniences of kingly power, which were all reſerved within the hands of the ſenate. By this means the poor people miſſing the firſt opportunity of ſettling their freedom, ſoon loſt it again: they were told they were a free- ſtate; and why? Becauſe (forſooth) they had no king, they had at length never a Tarquin to trouble them: but what was that to the purpoſe, as long as they had a Caius, and an Appius Claudius, and the reſt of that gang, who infected the ſenators with an humour of king-

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ing it from generation to generation? Alas, when the Romans were at this paſs, they were juſt ſuch another free-ſtate as was that of Sparta, in the days of yore, where they had a ſenate too, to pull down the pride of kings; but the people were left deſtitute of power and means to pull down the pride of the ſenate; by which means indeed they became free to do what they liſt, whilſt the people were confined within ſtraiter bounds than ever. Such another free-ſtate in theſe days is that of Venice, where the people are free from the dominion of their prince or duke; but little better than ſlaves under the power of their ſenate. But now in the commonwealth of Athens, the caſe was far otherwiſe; where it was the care of Solon, that famous law-giver, to place both the exerciſe and intereſt of ſupremacy in the hands of the people, ſo that nothing of a public intereſt could be impoſed, but what paſſed current by virtue of their conſent and authority: he inſtituted that famous council called the Areopagus, for the managing of ſtate-tranſactions; but left the power of legiſlation, or law-making, in a ſucceſſive courſe of the people's aſſemblies; ſo that avoiding kingly tyranny on the one ſide, and ſenatical incroachments on the other, he is celebrated by all poſterity, as the man that hath left

left the only pattern of a free-ſtate fit for all the world to follow.

It is alſo to be obſerved, when kings were driven out of Rome, though they were declared and called a free-ſtate, yet it was a long time ere they could be free indeed, in regard Brutus cheated them with a mere ſhadow and pretence of liberty: he had indeed an ambition high enough, and opportunity fair enough to have ſeized the crown into his own hands; but there were many conſiderations that deterred him from it; for he well perceived how odious the name of king was grown: Beſides, had he ſought to inthrone himſelf, men would have judged it was not love to his country made him take up arms, but deſire of dominion; nor could he forget, that ſerene privacy is to be preferr'd before hazardous royalty: for what hope could he have to keep the ſeat long, who by his own example had taught the people both the theory and practice of oppoſing tyranny? It was neceſſary therefore that he ſhould think of ſome other courſe more plauſible, whereby to work his own ends, and yet preſerve the love of the people; who not having been uſed to liberty, did very little underſtand it, and therefore were the more eaſily

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gulled out of the ſubſtance, and made content with the ſhadow.

For the carrying on this deſign, all the projecting grandees joined pates together; wherein, as one obſerves, *Regnum quidem nomen, ſed non regia poteſtas Româ fuit expulſa:* Though the name of king were exploded with alacrity, yet the kingly power was retained with all art and ſubtilty, and ſhared under another notion among themſelves, who were the great ones of the city. For all authority was confined within the walls of a ſtanding ſenate, out of which, two conſuls were choſen yearly; and ſo by turns they dubb'd one another with a new kind of regality; the people being no gainers at all by this alteration of government, ſave only, that (like aſſes) they were ſaddled with new paniers of ſlavery.

But what followed? The ſenate having got all power into their own hands, in a ſhort time degenerated from their firſt virtue and inſtitution, to the practice of avarice, riot, and luxury: whereby the love of their country was changed into a ſtudy of ambition and faction: ſo that they fell into diviſions among themſelves, as well as oppreſſions over the people;

people; by which diviſions, ſome leading grandees, more potent than their fellows, took occaſion to wipe their noſes, and to aſſume the power into their own hands, to the number of ten perſons. This form of government was known by the name of the Decemvirate; wherein theſe new uſurpers, joining forces together, made themſelves rich with the ſpoils of the people, not caring by what unlawful means they purchaſed either profit or pleaſure, till that growing every day more inſupportable, they were in the end by force caſhiered of their tyranny.

How the Romans obtained their rights and privileges.

But what then? The people being fluſh'd with this victory, and calling to mind how galliantly their anceſtors had in like manner baniſhed kings, began at laſt to know their own ſtrength; and ſtomach'd it exceedingly, that themſelves, on whoſe ſhoulders the frame of ſtate was ſupported, (and for whoſe ſakes all ſtates are founded) ſhould be ſo much vaſſalized at the will of others, that they who were lords abroad, ſhould be ſlaves at home: ſo that they reſolved to be ridden no longer under fair ſhews of liberty. They raiſed a tumult under the conduct of their tribune Canuteius; nor could they by any perſuaſion be induced to lay down arms, till they were put in poſſeſſion of their rights and

privileges. They were made capable of offices of the government, even to the dictatorſhip; had officers of their own, called tribunes, who were held ſacred and inviolable, as protectors of the commons, and retained a power of meeting and acting with all freedom in their great aſſemblies. Now, and never till now, could they be called a free-ſtate, and commonwealth, though long before declared ſo: for the way being open to all without exception, virtue, learning, and good parts, made as ſpeedy a ladder to climb unto honours, as nobility of birth; and a good man as much reſpected as a great; which was a rare felicity of the times, not to be expected again, but upon the dawning of another golden age.

Goodneſs preferred before greatneſs

The main obſervation then ariſing out of this diſcourſe, is this, That not only the name of king, but the thing king (whether in the hands of one or of many) was plucked up root and branch, before ever the Romans could attain to a full eſtabliſhment in their rights and freedoms.

Now when Rome was thus declared a free-ſtate, the next work was to eſtabliſh their freedom in ſome ſure and certain way: and

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in order to this, the firſt buſineſs they pitch'd upon, was, not only to engage the people by an oath againſt the return of Tarquin's family to the kingdom, but alſo againſt the admiſſion of any ſuch officer as a king, for ever; becauſe thoſe brave men, who glorified themſelves in laying the foundation of a commonwealth, well knew that in a ſhort revolution others of a leſs public ſpirit would ariſe in their places, and gape again after a kingdom. And therefore it was the ſpecial care of thoſe worthy patriots, to imprint ſuch principles in men's minds, as might actuate them with an irreconcilable enmity to the former power: inſomuch, that the very name of king became odious to the Roman people; yea, and they were ſo zealous herein, that in proceſs of time, when Cæſar took occaſion by civil diſcords to aſſume the ſovereignty into his ſingle hands, he durſt not entertain it under the fatal name of king, but clothed himſelf with the more plauſible ſtile of emperor; which nevertheleſs could not ſecure him from the fatal ſtab that was given him by Brutus in revenge, on the behalf of the people. Our neighbours of Holland traced this example at the heels, when upon recovery of their freedom from Spain, they bind themſelves by an oath to abjure the government,

What they did to preſerve their freedom.

Oaths in thoſe days were

not like an old almanack.

not only of king Philip, but of all kings for ever.

Kings being caſhiered out of Rome, then the right of liberty, together with the government, was retained within the hands and bounds of the Patrician or Senatorian order of nobility; the people not being admitted into any ſhare, till partly by mutinies and partly by importunities, they compell'd the ſenate to grant them an intereſt in offices of ſtate, and in the legiſlative power, which were circumſcribed before within the bounds of the ſenate. Hence aroſe thoſe officers called tribunes, and thoſe conventions called aſſemblies of the people, which were as bridles to reſtrain the power and ambition of the ſenate, or nobility. Before the erecton of thoſe, whilſt all was in the hands of the ſenate, the nation was accounted free, becauſe not ſubjected to the will of any ſingle perſon: But afterwards they were free indeed, when no laws could be impoſed upon them without a conſent firſt had in the people's aſſemblies: ſo that the government in the end came to be ſettled in an equal mixture of both intereſts, patrician and popular; under which form, they attained to the height of all their glory and greatneſs. In this form of free-ſtate, we now ſee the Venetian,

No laws impoſed, but with the people's conſent in their aſſemblies.

tian, where the patrician is predominant, and the people a little too much kept under. The ſame form is embraced alſo by our neighbours the United Provinces; but the beſt part of their intereſt lies depoſited in the hands of the people. Rome kept up their ſenate as their ſtanding council, for the managing of ſtate-affairs, which require wiſdom and experience: but as for making of laws, and the main acts of ſupremacy, they were reſerved to the grand aſſemblies; ſo that the people gave rules whereby to govern, and the ſecrets of government were intruſted in the hands of the ſenate. And this commonwealth ever thriv'd beſt, when the people had moſt power, and uſed moſt moderation: and though they made uſe of it now and then to fly out into extravagant courſes, yet they were no laſting fits, like thoſe diſtempers that brake out through the ambition of the ſenators. Beſides, we cannot but take notice, as long as the popular intereſt continued regular, and more predominant than the other, ſo long the people were ſecure of their liberties: which enjoyment, was a good allay and recompence, for many harſh inconveniences that brake out when they were unruly and irregular: whereas, when the ſenate afterwards worm'd the people out of power, as that deſign went on

by degrees, ſo Rome loſt her liberty; the ſenate domineering over the people, and particular factions over the ſenate, till thoſe factions tearing one another to pieces, at length he that was head of the paramount ſurviving faction, by name Cæſar, took occaſion to uſurp over all, ſwallowing up the rights and liberties of the Romans, in the gulph of a ſingle tyranny.

The Romans loſe their rights and liberties.

It was a noble ſaying, (though Machiavel's) "Not he that placeth a virtuous government "in his own hands, or family; but he that "eſtabliſheth a free and laſting form, for "the people's conſtant ſecurity, is moſt to "be commended." Whoſoever hath this opportunity, may improve his actions to a greater height of glory, than ever followed the fame of any ambitious idol that hath graſp'd a monarchy: for, as Cato ſaith in Plutarch, "even the greateſt kings or ty-"rants, are far inferior to thoſe that are emi-"nent in free-ſtates and commonwealths:" Nor were thoſe mighty monarchs of old, to be compared with "Epimanondas, Pericles, "Themiſtocles, Marcus Curius, Amilcar, "Fabius, and Scipio," and other excellent captains in free-ſtates, which purchaſed themſelves a fame, in defence of their liberties,

ties. And though the very name of liberty was for a time grown odious, or ridiculous among us, having been long a ſtranger in theſe and other parts; yet, in ancient time, nations were wont to reckon themſelves ſo much the more noble, as they were free from the regal yoke: which was the cauſe why then there were ſo many free-ſtates in all parts of the world.

Nor is it only a mere gallantry of ſpirit that excites men to the love of freedom; but experience aſſures it to be the moſt commodious and profitable way of government, conducing every way to the enlarging a people in wealth and dominion. "It is incredible "to be ſpoken (ſaith Saluſt) how exceed- "ingly the Roman commonwealth increaſed "in a ſhort time, after they had obtained "liberty." And Guicciardine affirms, "That "free-ſtates muſt needs be more pleaſing to "God than any other form, becauſe in them "more regard is to be had to the common "good, more care for the impartial diſtribu- "tion of juſtice, and the minds of men are "more enflamed thereby to the love of "glory and virtue, and become much more "zealous in the love of religion, than in any "other government whatſoever."

The Romans flouriſhed moſt when they were a free-ſtate.

It

It is wonderful to conſider, how mightily the Athenians were augmented in a few years, both in wealth and power, after they had freed themſelves from the tyranny of Piſtratus: but the Romans arrived to ſuch a height, as was beyond all imagination, after the expulſion of their kings, and kingly government. Nor do theſe things happen without ſpecial reaſon; it being uſual in free-ſtates to be more tender of the public in all their decrees, than of particular intereſts: whereas the caſe is otherwiſe in a monarchy, becauſe in this form the prince's pleaſure weighs down all conſiderations of the common good. And hence it is, that a nation hath no ſooner loſt its liberty, and ſtoop'd under the yoke of a ſingle tyrant, but it immediately loſeth its former luſtre, the body fills with ill humours, and may ſwell in titles; but cannot thrive either in power or riches, according to that proportion which it formerly enjoyed, becauſe all new acquiſitions are appropriated as the prince's peculiar, and in no wiſe conduce to the eaſe and benefit of the public.

It was the pride of Richard Nevil, the great Earl of Warwick, and he reckoned it the greateſt of earthly glories, to be called, (as indeed he was) a king-maker, in that he made

made and unmade kings at his pleaſure: for we read in our Chronicles, how that he firſt pull'd down the houſe of Lancaſter, and brought king Henry the ſixth from a crown to a priſon; ſetting up the title of the houſe of York, in the perſon of king Edward the fourth: afterwards, he depoſed this Edward, drave him out of England, and reſtored the ſame Henry to the crown, whom he had before depreſs'd. But the great query is, Wherefore, and how this was done? One would have thought, there had been no hope of reconciliation betwixt him and the houſe of Lancaſter, having ſo highly diſobliged them, in caſting down and impriſoning the perſon of Henry: But yet it is very obſervable of this man, Warwick, being on a ſudden diſcontented with the change that he had made, becauſe he miſſed of thoſe ends which he aimed at, in bringing it about; and perceived other perſons (whom he conceived his inferiors,) to partake of the intereſt and favour of Edward; therefore out of an emulous impatience of ſpirit, he preſently caſt about to undo all that before he had done; he ſuppreſt the new government, to advance the old.

From which piece of ſtory, we may very well conclude, how unſafe it is in a new alteration,

teration, to truſt any man with too great a ſhare of government, or place of truſt; for ſuch perſons ſtand ever ready (like that Warwick) upon any occaſion of diſcontent, or of ſerving their own intereſts, to betray and alter the government; eſpecially if they have Warwick's main guard, that is, if they can (as he did) bring the prince whom they formerly diſobliged, to come in upon their own terms, and upon ſuch conditions as may bridle him, and ſecure the power ſo in their own hands, that whilſt he king it only in title, themſelves may be kings *de facto*, and leave their old friends in the lurch, or yield them up at mercy (as Warwick did) to gratify the tyrant, and their own tyrannical ambition.

How much therefore doth it concern every commonwealth, in ſuch a caſe, to ſee and beware that Warwick's Ghoſt be not conjur'd up again to act a part in ſome new tragedy.

17 JY 60

THE RIGHT CONSTITUTION OF A COMMONWEALTH.

THE Romans having juſtly and nobly freed themſelves from the tyranny of kings, and being in time brought to underſtand that the intereſt of freedom conſiſts in a due and orderly ſucceſſion of the ſupreme aſſemblies; they then made it their care, by all good ways and means, to fortify the Commonwealth, and eſtabliſh it in a free enjoyment of that intereſt, as the only bar to the return of kings, and their main ſecurity againſt the ſubtil mining of kingly humours and uſurpations. The publick Roſtra, or pulpits, ſounded out the commendations of freedom; their augurs, or prophets, found freedom written in the entrails of beaſts, and collected it from

the flight of the auſpicious bird, the ſun-daring eagle, ſpreading her wings aloft over the Capitol: the common people alſo, in their common diſcourſes, breathed nothing but freedom, and uſed the frequent mention of it as a charm againſt the return of tyranny.

Nor was it without reaſon, that this brave and active people were ſo ſtudiouſly devoted to the preſervation of their freedom, when they had once attained it, conſidering how eaſy and excellent it is above all other forms of government, if it be kept within due bounds and order. It is an undeniable rule, *that the people* (that is, ſuch as ſhall be ſucceſſively choſen to repreſent the people) *are the beſt keepers of their own liberties*; and that for theſe following reaſons.

The people the beſt keepers of their own liberties.

1ſt reaſon. Becauſe the people never think of uſurping over other mens rights.

Firſt, Becauſe they never think of uſurping over other mens rights, but mind which way to preſerve their own: whereas, the caſe is far otherwiſe among kings and grandees, as all nations in the world have felt to ſome purpoſe; for they naturally move within the circle of domination, as in their proper center; and count it no leſs ſecurity than wiſdom and policy, to brave it over the people. Thus Suetonius tells us, how Cæſar, Craſſus, and another, *Societatem iniere, nequid ageretur in repub. quod diſplicuiſſet ulli e tribus:* "Made a bargain between themſelves, that nothing ſhould

ſhould be done in the Commonwealth that diſpleaſed either of them three." Such another triumvirate of grandees was that of Auguſtus, Lepidus, and Antony, who agreed to ſhare the world between themſelves; and traced the ſame paths as the other did, to the top of worldly tyranny, over the ruins of their country's liberties: they ſaved and deſtroyed, depreſſed and advanced whom they pleaſed, with a wet finger. But whilſt the government remained untouched in the people's hands, every particular man lived ſafe, (except the ambitious) and no man could be undone, unleſs a true and ſatisfactory reaſon were rendered to the world for his deſtruction.

2d reaſon. The people's care is, that public authority be conſtituted for public ends.

Secondly, The people are beſt keepers of their own liberty, becauſe it is ever the people's care to ſee, that authority be ſo conſtituted, that it ſhall be rather a burthen than benefit to thoſe that undertake it; and be qualified with ſuch ſlender advantages of profit or pleaſure, that men ſhall reap little by the enjoyment. The happy conſequence whereof is this, that none but honeſt, generous, and public ſpirits, will then deſire to be in authority, and that only for the common good. Hence it was, that in the infancy of the Roman liberty, there was no canvaſſing of voices; but ſingle and plain hearted men were called, intreated, and in a manner forced with im-

portunity to the helm of government, in regard of that great trouble and pains that followed the employment. Thus Cincinnatus was fetch'd out of the field from his plow, and placed (much againſt his will) in the ſublime dignity of dictator: ſo the noble Camillus, and Fabius, and Curius, were, with much ado, drawn from the recreation of gardening, to the trouble of governing: and the conſul-year being over, they returned with much gladneſs again to their private employment.

3d reaſon. Succeſſion in power is the grand preventive of corruption.

A third reaſon why the people in their ſupreme aſſemblies ſucceſſively choſen, are the beſt keepers of their liberty, is, becauſe as motion in bodies natural, ſo ſucceſſion in civil, is the grand preventive of corruption. The truth of this will appear very clearly, if we weigh the effects of every ſtanding authority from firſt to laſt in the Roman ſtate: for whilſt they were governed by a continued power in one and the ſame hands, the people were ever in danger of loſing their liberty; ſometimes in danger of being ſwallowed up by kingly aſpirers, witneſs the deſign of Mælius, Manlius, and others; ſometimes in danger of a ſurprize by a grandee cabinet or junta, who by contracting a particular intereſt, diſtinct from that which they had in common with the people, ſo ordered the matter in time, that partly by their own ſtrength, and partly by

by advantage of power, to gratify and curb whom they pleaſed, and to wind in other counſels and parties to their own, they ſtill brought the leſſer into ſuch ſubjection, that in the end they were forced all, either to yield to the pleaſure of the grandees, or be broken by them. By theſe practices, they produced that upſtart tyranny of the Decemviri, when ten men made a ſhift to enſlave the ſenate, as well as the people. Laſtly, by continuing power too long in the hands of particular perſons, they were ſwallowed up by two triumvirates of emperors by turns, who never left pecking at one another, till Julius and Auguſtus, having beaten all competitors out of the field, ſubjected all to the will of a ſingle emperor. If this were ſo among the Romans, how happy then is any nation, and how much ought they to joy in the wiſdom and juſtice of their truſtees, where certain limits and bounds are fixed to the powers in being, by a declared ſucceſſion of the ſupreme authority in the hands of the people?

4th reaſon A ſucceſſion of ſupreme power kills that canker-worm of a Commonwealth, to wit, faction.

A fourth reaſon is, Becauſe a ſucceſſion of ſupreme powers doth not only keep them from corruption, but it kills that grand cankerworm of a Commonwealth, to wit, faction: for, as faction is an adhering to, and a promoting of an intereſt, that is diſtinct from the true and declared intereſt of ſtate; ſo it is a matter of

neceſſity, that thoſe that drive it on muſt have time to improve their ſlights and projects, in diſguiſing their deſigns, drawing in inſtruments and parties, and in worming out of their oppoſites. The effecting of all this, requires ſome length of time: therefore the only prevention is a due ſucceſſion and revolution of authority in the hands of the people,

That this is moſt true, appears not only by reaſon, but by example: if we obſerve the ſeveral turns of faction in the Roman government. What made their kings ſo bold, as to incroach and tyrannize over the people, but the very ſame courſe that heightened our kings heretofore in England, to wit, a continuation of power in their own perſons and families? Then, after the Romans became a Commonwealth, was it not for the ſame reaſon, that the ſenate fell into ſuch heats and fits among themſelves? Did not Appius Claudius, and his junta, by the ſame means, lord it over the ſenate? Whence was it, that Sylla and Marius cauſed ſo many proſcriptions, cruelties, and combuſtions in Rome, but by an extraordinary continuation of power in themſelves? How came it to paſs likewiſe, that Julius Cæſar aſpired, and in the end attained the empire? and, that the people of Rome quite loſt their liberty; was it not by the ſame means? For, had not the ſenate and people ſo long protract-

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ed the power of Pompey and Cæſar; had Pompey had leſs command in Aſia, and Cæſar leſs in Gallia, Rome might have ſtood much longer in the poſſeſſion of her liberty.

After the death of Cæſar, it was probable enough, they might then have recovered their liberty, but that they ran again into the ſame error, as before: for by a continuation of power in the hands of Octavius, Lepidus, and Antony, the Commonwealth came to be rent and divided into three ſeveral factions; two of which being worn out by each other, only Octavius remained; who conſidering, that the title of Perpetual Dictator was the ruin of his father Julius, continued the government only for a ſet time, and procured it to be ſettled upon himſelf but for ten years. But what was the effect of this continuation of power? Even this, that as the former protractings had been the occaſions of faction, ſo this produced a tyranny: for, at the end of every ten years, he wanted no pretence to renew a leaſe of the government; and by this means ſo played his cards, that at length he eaſily and utterly extinguiſhed the ſmall remains of the Roman freedom.

The obſervation then ariſing from hence, is this, that the only way for a people to preſerve themſelves in the enjoyment of their freedom, and to avoid thoſe fatal inconvenien-

ces of faction and tyranny, is, to maintain a due and orderly ſucceſſion of power and perſons. This was, and is, good Commonwealths language; and without this rule, it is impoſſible any nation ſhould long ſubſiſt in a ſtate of freedom. So that the wiſdom, the piety, the juſtice, and the ſelf-denial of thoſe governors in free-ſtates, is worthy of all honour and admiration, who have, or ſhall at any time as willingly reſign their truſts, as ever they took them up; and have ſo far denied themſelves, as to prefix limits and bounds to their own authority. This was it that made Brutus ſo famous in the beginning of the Roman Commonwealth. For this alſo it was, that hiſtory hath left ſo reverend a remembrance of Scipio, Camillus, and Virginus; as did Cato likewiſe of Pompey: whilſt the ten grandee uſurpers, with Sylla and Cæſar, and the names of others that practiſed the contrary, are left as odious upon the Roman record, as the name of Richard the third will be in our modern chronicle, to all poſterity.

5th reaſon A ſucceſſion of powers and perſons is the only remedy againſt ſelf-ſeeking.

A fifth reaſon to prove the life of liberty lies in ſucceſſion of powers and perſons, is, becauſe it is the only remedy againſt ſelf-ſeeking, with all the powerful temptations and charms of ſelf-intereſt: for the attaining of particular ends requires length of time, as well as the creating and promoting of a faction: both

both theſe deſigns muſt lie long in fermentation, or elſe they can never gain the beloved opportunity to bring matters to perfection. The truth of this appears likewiſe in the ſtory of the Roman ſtate: for, as long as all authority was confined within the walls of a ſtanding ſenate, they being more ſtudious of their own, than the common good, in a ſhort time the Commonwealth was turned altogether into a private; inſomuch, that the people became not only incapable of any honour and authority, but well-nigh reduced to flat beggary. Hence it was, that ſo many quarrels and combuſtions aroſe one after another: for, the great ones having made uſe of their time, in drawing all to themſelves, the people were forced to live upon borrowing; and when they could borrow no longer, they fell into a general mutiny, and forſook the city: nor could they be pacified till all accounts were quitted; and then, with much ado, they were wrought upon with the eloquence of Menenius Agrippa, with his excellent fable of a mutiny in a natural body, among the members againſt the belly.

Thus, as the firſt inſurrection was occaſioned by the uſury and exactions of the great ones; who by their long continuance in power had drawn all unto themſelves: ſo the ſecond was occaſioned by the lordlineſs of thoſe ten perſons, who being elected to do juſtice, according

cording to the laws, made uſe of their time, only to confirm their power, and greaten themſelves, by repleniſhing their own coffers, ingroſſing of offices, and preferring their own kindred and alliances: and at length, improved ſelf-intereſt ſo high, that they domineered, like abſolute tyrants, advancing and depreſſing whom they pleaſed, without reſpect of merit or inſufficiency, vice or virtue; ſo that having ſecured all in their own hands, they over-ruled their fellow-ſenators at pleaſure, as well as the people.

Many more inſtances of after-times might be given; but theſe are ſufficient whereupon to ground this obſervation, that as the firſt founders of the Roman liberty did well in driving out their kings; ſo on the other ſide, they did very ill in ſettling a ſtanding authority within themſelves: for, by this means, lying open to the temptations of honour and profit, (which are ſails too big for any human bulk) they were immediately ſwallowed up of ſelf; and taking their riſe from the opportunity of a continued power, made uſe of the public only to advance their private, whereby they put the Commonwealth into frequent flames of diſcontent and ſedition; which might all have been prevented, could they have denied themſelves at firſt, and ſettled the ſtate free indeed, (as they ought to have done) by placing

ing an orderly ſucceſſion of ſupreme authority in the hands of the people.

A ſixth reaſon, why a free ſtate is much more excellent than a government by grandees or kings; and, that the people are the beſt keepers of their own liberties, is, becauſe, as the end of all government is (or ought to be) the good and eaſe of the people, in a ſecure enjoyment of their rights, without preſſure and oppreſſion: ſo queſtionleſs the people, who are moſt ſenſible of their own burthens, being once put into a capacity and freedom of acting, are the moſt likely to provide remedies for their own relief; they only know where the ſhoe wrings, what grievances are moſt heavy, and what future fences they ſtand in need of, to ſhelter them from the injurious aſſaults of thoſe powers that are above them: and therefore it is but reaſon, they ſhould ſee that none be intereſted in the ſupreme authority, but perſons of their own election, and ſuch as muſt in a ſhort time return again into the ſame condition with themſelves, to reap the ſame benefit or burthen, by the laws enacted, that befals the reſt of the people. Then the iſſue of ſuch a conſtitution muſt needs be this, that no load ſhall be laid upon any, but what is common to all, and that always by common conſent; not to ſerve the luſts of any, but only to ſupply the neceſſities of their country.

6th reaſon The end of all government being the good and eaſe of the people, they beſt know where the ſhoe pinches.

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But when it happens, that a ſupreme power long continues in the hands of any perſon or perſons; they, by greatneſs of place, being ſeated above the middle region of the people, ſit ſecure from all winds and weathers, and from thoſe ſtorms of violence that nip and terrify the inferior part of the world: whereas, if by a ſucceſſive revolution of authority, they come to be degraded of their earthly godheads, and return into the ſame condition with other mortals, they muſt needs be the more ſenſible and tender of what ſhall be laid upon them. The ſtrongeſt obligation that can be laid upon any man in publick matters, is, to ſee that he engage in nothing but what muſt either offenſively or beneficially reflect upon himſelf: for as, if any be never ſo good a patriot, yet if his power be prolonged, he will find it hard to keep ſelf from creeping in upon him, and prompting him to ſome extravagancies for his own private benefit; ſo, on the other ſide, if he be ſhortly to return to a condition common with the reſt of his brethren, ſelf-intereſt binds him to do nothing but what is juſt and equal; he himſelf being to reap the good or evil of what is done, as well as the meaneſt of the people.

This without controverſy muſt needs be the moſt noble, the moſt juſt, and the moſt excellent way of government in free-ſtates; without

without which, it is obvious to common ſenſe, no nation can long continue in a ſtate of freedom: as appears likewiſe by example out of the Roman ſtory. For what more noble patriots were there ever in the world, than the Roman ſenators were, whilſt they were kept under by their kings, and felt the ſame burthens of their fury, as did the reſt of the people? but afterwards being freed from the kingly yoke, and having ſecured all power within the hands of themſelves and their poſterity, they at length fell into the ſame abſurdities that had been before committed by their kings; ſo that this new yoke became more intolerable than the former. Nor could the people find any remedy, until they procured that neceſſary office of the tribunes; who being inveſted with a temporary authority by the people's election, remained the more ſenſible of their condition, and were as moderators between the power of the great ones, and the rights of the people.

What more excellent patriot could there be than Manlius, till he became corrupted by time and power? Who more noble, and courteous, and well-affected to the common good, than was Appius Claudius at firſt? but afterwards, having obtained a continuation of the government in his own hands, he ſoon loſt his primitive innocency and integrity, and devoted himſelf to all the practices of an abſolute tyrant.

rant. Many others might be reckoned up. And, therefore hence it was, that when the ſenate (for ſome reaſons) thought to continue Lucius Quintius in the conſulſhip longer than the uſual time; that gallant man utterly refuſed it, and choſe rather to deny himſelf, than that a precedent ſo prejudicial to the Roman freedom ſhould be made for his ſake, by a prerogative of authority in his hands, beyond the ordinary cuſtom.

7th reaſon

A ſeventh reaſon why a people qualified with a due and orderly ſucceſſion of their ſupreme aſſemblies, are the beſt keepers of their own liberties, is, becauſe, as in other forms, thoſe perſons only have acceſs to government, who are apt to ſerve the luſt and will of the prince, or elſe are parties or compliers with ſome powerful faction: ſo in this form of government by the people, the door of dignity ſtands open to all (without exception) that aſcend thither by the ſteps of worth and virtue: the conſideration whereof hath this noble effect in free ſtates, that it edges mens ſpirits with an active emulation, and raiſeth them to a lofty pitch of deſign and action.

In this government the door of dignity ſtands open to all that deſcend thither by the ſteps of worth and virtue

The truth of this is very obſervable in the Roman ſtate; for, during the vaſſalage of that people under kings, we read not of any notable exploits, but find them confined within a narrow compaſs, oppreſſed at home, and ever and

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anon ready to be ſwallowed up by their enemies. After this government of kings was aboliſhed, you know that of grandees in a ſtanding ſenate was next erected; under which form they made ſhift to enlarge their bounds a little: but the moſt they could then do, was only to ſecure themſelves from the attempts of the baniſhed Tarquins, and thoſe petty neighbours that envied the ſmall increaſe of their dominion. But at length, when the ſtate was made free indeed, and the people admitted into a ſhare and intereſt in the government, as well as the great ones; then it was, and never till then, that their thoughts and power began to exceed the bounds of Italy, and aſpire towards that prodigious empire. For, while the road of preferment lay plain to every man, no public work was done, nor any conqueſt made; but every man thought he did and conquered all for himſelf, as long as he remained valiant and virtuous: it was not alliance, nor friendſhip, nor faction, nor riches, that could advance men; but knowledge, valour, and virtuous poverty, was preferred above them all.

For the confirmation whereof, we find in the ſame ſtory, how that many of their brave patriots and conquerors were men of the meaneſt fortune, and of ſo rare a temper of ſpirit, that they little cared to improve them, or enrich themſelves by their public employment:

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ſo that when they died, they were fain to be buried at the public charge. We find Cincinnatus, a man of mean fortune, fetch'd from the plough, to the dignity of a dictator: for he had no more than four acres of land, which he tilled with his own hands. Yet ſo it happened, that when the Roman conſul with his whole army was in great peril, being circumvented and ſtraitned by the Equuns, and the city of Rome itſelf in a trembling condition; then, with one conſent, they pitch'd upon Cincinatus, as the fitteſt man for their deliverance: and he behaved himſelf ſo well, with ſo much magnanimity, integrity, and wiſdom, that he relieved the conſul, routed and utterly ſubdued the enemy, and gave as it were a new life to his country's liberties: which work being over, he with all willingneſs quitted his authority, and returned to the condition of a painful private life.

This example might ſeem ſtrange, but that we know it was ordinary in that ſtate, till it grew corrupt again; for we read alſo, how Lucius Tarquin, (not of the tyrant's family) a man of mean fortune, yet of great worth, was choſen general of the horſe, and drawn to it out of the country, in which place he ſurpaſſed all the Roman youth for gallant behaviour. Such another plain country-fellow was Attilius Regulus, the ſcourge of Carthage in his time;

of whom many eminent points of bravery were recorded: as were alſo moſt of thoſe heroic ſpirits that ſucceeded, down to the times of Lucius Paulus Emilius, by whoſe conqueſts, the firſt charms and inchantments of luxury were brought out of Aſia to Rome, and there they ſoon ſwallowed up the remainders of primitive integrity and ſimplicity. And yet it is very obſervable alſo, that ſo much of the ancient ſeverity was remaining ſtill even in the time of this Paulus, the famous general, that a ſilver diſh, that was part of the ſpoil, being given to a ſon in law of his, who had fought ſtoutly in that war, it was thought a great reward; and obſerved by the hiſtorian, to be the firſt piece of plate that was ever ſeen in the family.

This obſervation then ariſes from this diſcourſe, that as Rome never thrived till it was ſettled in a freedom of the people; ſo that freedom was preſerved, and that intereſt beſt advanced, when all places of honour and truſt were expoſed to men of merit, without diſtinction; which happineſs could never be obtained, until the people were inſtated in a capacity of preferring whom they thought worthy, by a freedom of electing men ſucceſſively into their ſupreme offices and aſſemblies. So long as this cuſtom continued, and merit took place, the people made ſhift to keep and encreaſe

their liberties: but when it lay neglected, and the ſtream of preferment began to run along with the favour and pleaſure of particular powerful men, then vice and compliance making way for advancement, the people could keep their liberties no longer; but both their liberties and themſelves were made the price of every man's ambition and luxury.

8th reaſon The people are the beſt keepers of their liberty, becauſe they only are concerned in the point of liberty.

The eighth reaſon, why the people in their aſſemblies are the beſt keepers of their liberty, is, becauſe it is they only that are concerned in the point of liberty: for whereas in other forms the main intereſt and concernment both of kings and grandees, lies either in keeping the people in utter ignorance what liberty is, or elſe in allowing and pleaſing them only with the name and ſhadow of liberty inſtead of the ſubſtance: ſo in free-ſtates the people being ſenſible of their paſt condition in former times, under the power of great ones, and comparing it with the poſſibilities and enjoyments of the preſent, become immediately inſtructed, that their main intereſt and concernment conſiſts in liberty; and are taught by common ſenſe, that the only way to ſecure it from the reach of great ones, is, to place it in the people's hands, adorned with all the prerogatives and rights of ſupremacy. The truth of it is, the intereſt of freedom is a virgin that every one ſeeks to deflour; and like a virgin, it muſt be

kept from any other form, or elſe (ſo great is the luſt of mankind after dominion) there follows a rape upon the firſt opportunity. This being conſidered, it will eaſily be granted, that liberty muſt needs lie more ſecure in the people's than in any other's hands, becauſe they are moſt concerned in it: and the careful eyeing of this concernment, is that which makes them both jealous and zealous; ſo that nothing will ſatisfy, but the keeping of a conſtant guard againſt the attempts and incroachments of any powerful or crafty underminers.

Hence it is, that the people having once taſted the ſweets of freedom, are ſo extreamly affected with it, that if they diſcover, or do but ſuſpect the leaſt deſign to incroach upon it, they count it a crime never to be forgiven for any conſideration whatſoever. Thus it was in the Roman ſtate, where one gave up his children, another his brother to death, to revenge an attempt againſt common liberty: divers alſo ſacrificed their lives, to preſerve it; and ſome their beſt friends, to vindicate it upon bare ſuſpicion; as in the caſes of Mælius, and Manlius, and others, after manifeſt violation, as in the caſe of Cæſar.

Nor was it thus only in Rome; but we find alſo as notable inſtances of revenge in the free people of Greece, upon the ſame occaſion. But the moſt notable of all, is that which hap-

pened in the iſland of Corcyra, during the war of Peloponneſus: where the people having been rook'd of liberty by the ſlights and power of the grandees, and afterwards by the aſſiſtance of the free-ſtates of Athens recovering it again, took occaſion thereupon to clap up all the grandees, and chopped off ten of their heads at one time, in part of ſatisfaction for the injury: but yet this would not ſerve the turn; for, ſome delay being made in executing of the reſt, the people grew ſo inraged, that they ran, and pulled down the very walls, and buried them in the ruins and rubbiſh of the priſon.

We ſee it alſo in the free ſtate of Florence, where Coſmus the firſt founder of the Tuſcan-tyranny, having made ſhipwreck of their liberty, and ſeized all into his own hands; though he enſlaved their bodies, yet he could not ſubdue their hearts, nor wear their paſt liberty out of memory; for upon the firſt opportunity, they ſought revenge, and a recovery; forcing him to fly for the ſafety of his life: and though afterwards he made way for his return and re-eſtabliſhment by treachery, yet now after ſo long a time, the old freedom is freſh in memory, and would ſhew itſelf again upon a favourable occaſion.

But of all modern inſtances, the moſt ſtrange is that of the land of Holſtein; which being deprived

deprived of liberty, and about ſeventy years ſince made a dutchy, and an appendix to the crown of Denmark; though the inhabitants be but a booriſh, poor, ſilly generation, yet ſtill they retain a ſenſe of indignation at the loſs of their liberty; and being given to drink, the uſual compliment in the midſt of their cups, is this, "Here is a health to the remembrance of our liberty."

Thus you ſee what an impreſſion the love of freedom makes in the minds of the people: ſo that it will be eaſily concluded, they muſt be the beſt keepers of their own liberties; being more tender and more concerned in their ſecurity, than any powerful pretenders whatſoever.

9th reaſon The government of a free-ſtate is leſs luxurious, than that of kings or grandees.

The ninth reaſon to juſtify a free-ſtate, is, becauſe in free-ſtates the people are leſs luxurious, than kings or grandees uſe to be. Now, this is moſt certain, that where luxury takes place, there is as natural a tendency to tyranny, as there is from the cauſe to the effect: for, you know the nature of luxury lies altogether in exceſs. It is a univerſal depravation of manners, without reaſon, without moderation; it is the canine appetite of a corrupt will and phantaſy, which nothing can ſatisfy; but in every action, in every imagination, it flies beyond the bounds of honeſty, juſt, and good, into all extremity: ſo that it

will eaſily be granted, that form of government muſt needs be the moſt excellent, and the people's liberty moſt ſecured, where governors are leaſt expoſed to the baits and ſnares of luxury.

The evidence of this may be made out, not only by reaſon, but by examples old and new. And firſt, by reaſon, it is evident, that the people muſt needs be leſs luxurious than kings or the great ones, becauſe they are bounded within a more lowly pitch of deſire and imagination: give them but *panem & ſircenſes*; bread, ſport and eaſe, and they are abundantly ſatisfied. Beſides, the people have leſs means and opportunities for luxury, than thoſe pompous ſtanding powers, whether in the hands of one or many: ſo that were they never ſo much inclined to vice or vanity, yet they are not able to run on to the ſame meaſure of exceſs and riot. Secondly, as it appears they are leſs luxurious; ſo, for this cauſe alſo, it is clear, they (that is, their ſucceſſive repreſentatives) muſt be the beſt governors; not only, becauſe the current of ſucceſſion keeps them the leſs corrupt and preſumptuous; but alſo, becauſe, being the more free from luxurious courſes, they are likewiſe free from thoſe oppreſſive and injurious practices, which kings and grandees are moſt commonly led and forced unto, to hold up the port and ſplendor of their tyranny, and to ſatisfy

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thoſe natural appetites of covetouſneſs, pride, ambition and oſtentation, which are the perpetual attendants of great ones, and luxury. Thus much for reaſon.

Now, for example, we might produce a cloud of inſtances, to ſhew, that free-ſtates, or the people duly qualified with the ſupreme authority, are leſs devoted to luxury, than the grandee or kingly powers: but we ſhall give you only a few.

The firſt that comes in our way is the ſtate of Athens, which, whilſt it remained free in the people's hands, was adorned with ſuch governors as gave themſelves up to a ſerious, abſtemious, ſevere courſe of life; ſo that whilſt Temperance and Liberty walked hand in hand, they improved the points of valour and prudence ſo high, that in a ſhort time they became the only arbitrators of all affairs in Greece. But being at the height, then (after the common fate of all worldly powers,) they began to decline; for (contrary to the rules of a free-ſtate) permitting ſome men to greaten themſelves, by continuing long in power and authority, they ſoon loſt their pure principles of ſeverity and liberty: for, up ſtarted thoſe thirty grandees, (commonly called the tyrants) who having uſurped a ſtanding authority unto themſelves, preſently quitted the old diſcipline and freedom, gave up themſelves firſt to charms of

luxury, and afterwards to all the practices of an abſolute tyranny. Such alſo was the condition of that ſtate, when at another time (as in the days of Piſtratus) it was uſurp'd in the hands of a ſingle tyrant.

From Athens let us paſs to Rome, where we find it in the days of Tarquin, diſſolved into debauchery. Upon the change of government, their manners were ſomewhat mended, as were the governors in the ſenate: but that being a ſtanding power, ſoon grew corrupt; and firſt let in luxury, then tyranny, till the people being intereſted in the government, eſtabliſhed a good diſcipline and freedom both together; which was upheld with all ſeverity, till the ten grandees came in play; after whoſe depoſition, liberty and ſobriety began to breathe again, till the days of Sylla, Marius, and other grandees that followed down to Cæſar, in whoſe time luxury and tyranny grew to ſuch a height, that unleſs it were in the life and converſation of Cato, there was not ſo much as one ſpark, that could be raked out of the aſhes, of the old Roman diſcipline and freedom; ſo that of all the world, only Cato remained as a monument of that temperance, virtue and freedom, which flouriſhed under the government of the people.

Omitting many other examples, our concluſion upon theſe particulars ſhall be this,

That

That ſince the grandee or kingly powers are ever more luxurious than the popular are, or can be; and ſince luxury ever brings on tyranny, as the only bane of liberty; certainly the rights and privileges of the people, placed and provided for, in a due and orderly ſucceſſion of their ſupreme aſſemblies, muſt needs remain more ſecure in their own hands, than in any others whatſoever.

A tenth reaſon, to prove the excellency of a free-ſtate or government by the people, above any other form of government, is, becauſe under this government, the people are ever indued with a more magnanimous, active, and noble temper of ſpirit, than under the grandeur of any ſtanding power whatſoever. And this ariſes from that apprehenſion which every particular man hath of his own immediate ſhare in the public intereſt, as well as of that ſecurity which he poſſeſſes in the enjoyment of his private fortune, free from the reach of any arbitrary power, Hence it is, that whenſoever any good ſucceſs or happineſs betides the public, every one counts it his own: if the commonwealth conquer, thrive in dominion, wealth or honour, he reckons all done for himſelf; if he ſees diſtributions of honour, high offices, or great rewards, to valiant, virtuous, or learned perſons, he eſteems them as his own, as long as he hath a door left open to ſucceed in

10th reaſon. In a free-ſtate, the people are ever more magnanimous and valiant.

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the ſame dignities and enjoyments, if he can attain unto the ſame meaſure of deſert. This it is which makes men aſpire unto great actions, when the reward depends not upon the will and pleaſure of particular perſons, as it doth under all ſtanding powers; but is conferred upon men (without any conſideration of birth or fortune) according to merit, as it ever is, and ought to be in free-ſtates, that are rightly conſtituted.

The truth of this will appear much more evident, if you liſt a little to take a view of the condition of people, under various forms of government: for, the Romans of old, while under kings, (as you heard before) remained a very inconſiderable people, either in dominion or reputation; and could never inlarge their command very far beyond the walls of their city. Afterwards, being reduced unto that ſtanding power of the ſenate, they began to thrive a little better, and, for a little time: yet all they could do, was only to ſtruggle for a ſubſiſtence among bad neighbours. But at length, when the people began to know, claim, and poſſeſs their liberties in being governed by a ſucceſſion of their ſupreme officers and aſſemblies; then it was, and never till then, that they laid the foundation, and built the ſtructure of that wondrous empire that overſhadowed the whole world. And truly the founding of it muſt needs be more wonderful,

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and a great argument of an extraordinary courage and magnanimity, wherewith the people was indued in recovery of liberty; becauſe their firſt conqueſts were laid in the ruin of mighty nations, and ſuch as were every jot as free as themſelves: which made the difficulties ſo much the more, by how much the more free (and conſequently, the more courageous) they were, againſt whom they made oppoſition: for as in thoſe days the world abounded with free-ſtates, more than any other form, as all over Italy, Gallia, Spain, and Africa, &c. ſo ſpecially in Italy, where the Tuſcans, the Samnites, and other emulators and competitors of the Roman freedom, approved themſelves ſuch magnanimous defenders of their liberty againſt Rome, that they endured wars ſo many years with utmoſt extremity, before ever they could be brought to bow under the Roman yoke. This magnanimous ſtate of freedom was the cauſe alſo why Carthage was enabled ſo long, not only to oppoſe, but often to hazard the Roman fortune, and uſurp the laurel. It brought Hannibal within view, and the Gauls within the walls of the city, to a beſieging of the Capitol; to ſhew, that their freedom had given them the courage to rob her of her maiden-head, who afterwards became miſtreſs of the whole world. But what ſerves all this for, but only to ſhew, that as nothing but a ſtate of freedom

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could have enabled thoſe nations with a courage ſufficient ſo long to withſtand the Roman power: ſo Rome herſelf alſo was beholden to this ſtate of freedom, for thoſe ſons of courage which brought the necks of her ſiſter-ſtates and nations under her girdle? And it is obſervable alſo in after times, when tyranny took place againſt liberty, the Romans ſoon loſt their ancient courage and magnanimity; firſt under uſurping dictators, then under emperors, and in the end the empire itſelf.

Now, as on the one ſide, we feel a loſs of courage and magnanimity, follow the loſs of freedom: ſo, on the other ſide, the people ever grow magnanimous and courageous upon a recovery; witneſs at preſent, the valiant Swiſſes, the Hollanders, and not long ſince, our own nation, when declared a free-ſtate, and a re-eſtabliſhment of our freedom in the hands of the people procured, (though not ſecured) what noble deſigns were undertaken and proſecuted with ſucceſs? The conſideration whereof, muſt needs make highly for the honour of all governors in free-ſtates, who have been, or ſhall be inſtrumental in redeeming and ſetting any people in a fulneſs of freedom, that is, in a due and orderly ſucceſſion of their ſupreme aſſemblies.

11th reaſon. No determinations

The eleventh reaſon is, becauſe in this form no determinations being carried, but by conſent

ſent of the people; therefore they muſt needs remain ſecure out of the reach of tyranny, and free from the arbitrary diſpoſition of any commanding power. In this caſe, as the people know what laws they are to obey, and what penalties they are to undergo, in caſe of tranſgreſſion; ſo having their ſhare and intereſt in the making of laws, with the penalties annexed, they become the more inexcuſable if they offend, and the more willingly ſubmit unto puniſhment when they ſuffer for any offence. Now the caſe is uſually far otherwiſe, under all ſtanding powers: for, when government is managed in the hands of a particular perſon, or continued in the hands of a certain number of great men, the people then have no laws but what kings and great men pleaſe to give: nor do they know how to walk by thoſe laws, or how to underſtand them, becauſe the ſenſe is oftentimes left at uncertainty; and it is reckoned a great myſtery of ſtate in thoſe forms of government, that no laws ſhall be of any ſenſe or force, but as the great ones pleaſe to expound them: ſo as by this means, the people many times are left as it were without law, becauſe they bear no other conſtruction and meaning, but what ſuits with particular mens intereſts and phantaſies; not with right reaſon, or the public liberty.

are carried but by conſent of the people.

For the proof of this under kingly govern-

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ment, we might run all the world over; but our own nation affords inſtances enough in the practices of all our kings: yet this evil never came to ſuch a height, as it did in the reign of Henry the ſeventh, who by uſurping a prerogative of expounding the laws after his own pleaſure, made them rather ſnares, than inſtruments of relief, (like a grand catch-pole) to pill, poll, and geld the purſes of the people; as his ſon Harry did after him, to deprive many gallant men both of their lives and fortunes. For, the judges being reputed the oracles of the law, and the power of creating judges being uſurp'd by kings, they had a care ever to create ſuch, as would make the laws ſpeak in favour of them, upon any occaſion. The truth whereof hath abundantly appeared in the days of the late king, and his father James, whoſe uſual language was this: "As long as I have power of making what judges and biſhops I pleaſe, I am ſure to have no law nor goſpel but what ſhall pleaſe me."

This very providing for this inconvenience, was the great commendation of Lycurgus his inſtitution in Sparta; who, though he cut out the Lacedemonian Commonwealth after the grandee faſhion, confirming the ſupremacy within the walls of the ſenate, (for their king was but a cypher) yet he ſo ordered the matter, that he took away the grandeur; that as

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their king was of little more value than any one of the ſenators; ſo the ſenate was reſtrained by laws, walking in the ſame even pace of ſubjection with the people; having very few offices of dignity or profit allowed, which might make them ſwell with ſtate and ambition; but were preſcribed alſo the ſame rules of frugality, plainneſs, and moderation, as were the common people: by which means immoderate luſts and deſires being prevented in the great ones, they were the leſs inclined to pride and oppreſſion; and no great profit or pleaſure being to be gotten by authority, very few deſired it; and ſuch as were in it, ſat free from envy, by which means they avoided that odium and emulation which uſes to rage betwixt the great ones and the people in that form of government.

But now the caſe is far otherwiſe in the Commonwealth of Venice, where the people being excluded from all intereſt in government, the power of making and executing of laws, and bearing of offices, with all other immunities, lies only in the hands of a ſtanding ſenate, and their kindred, which they call the Patrocian, or noble order. Their duke, or prince, is indeed reſtrained, and made juſt ſuch another officer as were the Lacedemonian kings; differing from the reſt of the ſenate, only in a corner of his cap, beſides a little out-

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ward ceremony and ſplendor: but the ſenators themſelves have liberty at random, arbitrarily to ramble, and do what they pleaſe with the people: who excepting the city itſelf, are ſo extreamly oppreſſed in all their territories, living by no law but the arbitrary dictates of the ſenate, that it ſeems rather a junta, than a Commonwealth; and the ſubjects take ſo little content in it, that ſeeing more to be enjoyed under the Turk, they that are his borderers take all opportunities to revolt, and ſubmit rather to the mercy of a pagan-tyranny. Which diſpoſition if you conſider, together with the little courage in their ſubjects, by reaſon they preſs them ſo hard; and how that they are forced, for this cauſe, to rely upon foreign mercenaries in all warlike expeditions, you might wonder how this ſtate hath held up ſo long; but that we know the intereſt of Chriſtendom, being concerned in her ſecurity, ſhe hath been chiefly ſupported by the ſupplies and arms of others.

Therefore our concluſion ſhall be this, That ſince kings, and all ſtanding powers, are ſo inclinable to act according to their own wills and intereſts, in making, expounding, and executing of laws to the prejudice of the people's liberty and ſecurity: and ſeeing the only way to prevent arbitrarineſs, is, that no laws or dominations whatſoever ſhould be made, but

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by the people's conſent and election: therefore it muſt of neceſſity be granted that the people are the beſt keepers of their own liberties, being ſettled in a due and orderly ſucceſſion of their ſupreme aſſemblies.

12th reaſon. A free-ſtate is moſt ſuitable to the nature and reaſon of mankind.

A twelfth reaſon is, becauſe this form is moſt ſuitable to the nature and reaſon of mankind: for, as Cicero ſaith, "Man is a noble creature, born with affections to rule, rather than obey; there being in every man a natural appetite or deſire of principality." And therefore the reaſon why one man is content to ſubmit to the government of another, is, not becauſe he conceives himſelf to have leſs right than another to govern; but either becauſe he finds himſelf leſs able, or elſe becauſe he judgeth it will be more convenient for himſelf, and that community whereof he is a member, if he ſubmits unto another's government. *Nemini parere vult animus a natura bene informatus; niſi,* &c. ſaith the ſame Cicero: that is to ſay, in honeſt Engliſh, "A mind well inſtructed by the light of nature, will pay obedience unto none but ſuch as command, direct, or govern, for its good and benefit." From both which paſſages and expreſſions of that oracle of human wiſdom, theſe three inferences do naturally ariſe: firſt, that by the light of nature people are taught to be their own carvers and contrivers, in the framing of that government un-

der which they mean to live. Secondly, that none are to preſide in government, or ſit at the helm, but ſuch as ſhall be judged fit, and choſen by the people. Thirdly, that the people are the only proper judges of the convenience or inconvenience of a government when it is erected, and of the behaviour of governors after they are choſen: which three deductions appear to be no more, but an explanation of this moſt excellent maxim, That the original and fountain of all juſt power and government is in the people.

This being ſo, that a free-ſtate-government by the people, that is, by their ſucceſſive repreſentatives, or ſupreme aſſemblies, duly choſen, is moſt natural, and only ſuitable to the reaſon of mankind; then it follows, that the other forms, whether it be of a ſtanding power in the hands of a particular perſon, as a king; or of a ſet number of great ones, as in a ſenate, are beſides the dictates of nature, being meer artificial devices of great men, ſquared out only to ſerve the ends and intereſts of avarice, pride and ambition of a few, to a vaſſalizing of the community. The truth whereof appears ſo much the more, if we conſider, that a conſent and free election of the people, which is the moſt natural way and form of governing, hath no real effect in the other forms; but is either ſupplanted by craft

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and cuſtom, or ſwallowed up by a pernicious pretence of right (in one or many) to govern, only by virtue of an hereditary ſucceſſion. Now certainly, were there no other argument to prove the excellency of government by the people, &c. beyond the other forms; yet this one might ſuffice, that in the people's form, men have liberty to make uſe of that reaſon and underſtanding God hath given them, in chuſing of governors, and providing for their own ſafety in government: but in the other forms of a ſtanding power, all authority being entailed to certain perſons and families, in a courſe of inheritance, men are always deprived of the uſe of their reaſon about choice of governors, and forced to receive them blindly, and at all adventure: which courſe being ſo deſtructive to the reaſon, common intereſt, and majeſty of that noble creature, called man, that he ſhould not in a matter of ſo high conſequence as government, (wherein the good and ſafety of all is concerned) have a freedom of choice and judgment, muſt needs be the moſt irrational and brutiſh principle in the world, and fit only to be hiſſed out of the world, together with all forms of ſtanding power (whether in kings, or others) which have ſerved for no other end, but to transform men into beaſts, and mortified mankind with miſery through all generations.

The truth of this is evident all the world over; firſt, by ſad examples of monarchy: for the kingly form having been retained in a courſe of inheritance, men being forced to take what comes next for a governor, whether it be male or female, a wiſe man or a fool, good or bad; ſo that the major part of hereditary princes have been tyrannous and wicked by nature, or made ſo by education and opportunity: the people have been for the moſt part bandied to and fro, with their lives and fortunes, at the will and pleaſure of ſome one ſingle unworthy fellow, who uſually aſſumes the greater confidence in his unrighteous dealing, becauſe he knows the people are tied in that form to him and his, though he practiſe all the injuſtice in the world. This was it that brought on tyranny in Rome, firſt under their kings, afterwards under emperors: for it is to be obſerved out of the ſtory, that all thoſe emperors which ruled by right of inheritance, proved moſt of them no better than ſavage beaſts, and all of them wicked, except Titus. 'Tis true indeed, that a nation may have ſome reſpite, and recruit now and then, by the virtue and valour of a ſingle prince; yet this is very rare; and when it doth happen, it uſually laſts no longer than for his life, becauſe his ſon or ſucceſſor (for the moſt part) proves more weak or vicious than himſelf was virtuous, as

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you may ſee in the ſeveral liſts of kings throughout Great Britain, France, Spain, and all the world. But this is not all the inconvenience, that hereditary princes have been, and are for the moſt part wicked in their own perſons: for, as great inconveniences happen by their being litigious in their titles; witneſs the bloody diſputes between the princes of the blood in France, as alſo in England, between the two houſes of York and Lancaſter; to which many more might be reckoned out of all other kingdoms; which miſeries the people might have avoided, had they not been tied to one particular line of ſucceſſion. Therefore, if any kingly form be tolerable, it muſt be that which is by election, choſen by the people's repreſentatives, and made an officer of truſt by them, to whom they are to be accountable. And herein, as kings are only tolerable upon this account, as elective; ſo theſe elective kings are as intolerable upon another account, becauſe their preſent greatneſs gives them opportunity ever to practiſe ſuch ſlights, that in a ſhort time, the government that they received only for their own lives, will become entailed upon their families; whereby the people's election will be made of no effect further, than for faſhion, to mock the poor people, and adorn the triumphs of an aſpiring tyranny; as it hath been ſeen in the elective kingdoms

of Bohemia, Poland, Hungary, and Sweden, where the forms of election were, and are ſtill retained; but the power ſwallowed up, and the kingdoms made hereditary; not only in Sweden, by the artifice of Guſtavus Ericus; but alſo in Poland, and the Empire; where the people's right of election was ſoon eaten out by the cunning of the two families of Caſimir and Auſtria.

Let this ſerve to manifeſt, that a government by a free election and conſent of the people, ſettled in a due and orderly ſucceſſion of their ſupreme aſſemblies, is more conſonant to the light of nature and reaſon; and conſequently much more excellent than any hereditary ſtanding power whatſoever. To take off all miſ-conſtructions; when we mention the people, obſerve all along, that we do not mean the confuſed promiſcuous body of the people, nor any part of the people who have forfeited their rights by delinquency, neutrality, or apoſtacy, &c. in relation to the divided ſtate of any nation; for they are not to be reckoned within the liſts of the people.

13th reaſon. In this government there are fewer opportunities of oppreſſion

The thirteenth reaſon, to prove the excellency of a free-ſtate above any other form, is, becauſe in free-ſtates there are fewer opportunities of oppreſſion and tyranny, than in the other forms. And this appears, in that it is ever the care of free-commonwealths, for the moſt

moſt part, to preſerve, not an equality, (which were irrational and odious) but an equability of condition among all the members; ſo that no particular man or men ſhall be permitted to grow over-great in power; nor any rank of men be allowed above the ordinary ſtandard, to aſſume unto themſelves the ſtate and title of nobility.

and tyranny, than under any other form.

The obſervation of the former ſecures the people's liberty from the reach of their own officers, ſuch as being entruſted with the affairs of high truſt and employment, either in camp and council, might perhaps take occaſion thereby to aſpire beyond reaſon, if not reſtrained and prevented.

The obſervation of the latter ſecures the people from the preſſures and ambition of ſuch petty tyrants, as would uſurp and claim a prerogative, power, and greatneſs above others, by birth and inheritance. Theſe are a ſort of men not to be endured in any well-ordered commonwealth; for they always bear a natural and implacable hate towards the people, making it their intereſt to deprive them of their liberty; ſo that if at any time it happen, that any great man or men whatſoever, arrive to ſo much power and confidence, as to think of uſurping, or to be in a condition to be tempted thereunto; theſe are the firſt that will ſet them on, mingle intereſts with them, and become

come the prime inſtruments in heaving them up into the ſeat of tyranny.

For the clearing of theſe truths; and firſt, to manifeſt the inconvenience of permitting any perſons to be over-great in any ſtate; and that free-ſtates that have not avoided it, have ſoon loſt their liberty, we ſhall produce a file of examples. In Greece we find, that the free-ſtate of Athens loſt its liberty upon that account once, when they ſuffered certain of the ſenators to over-top the reſt in power; which occaſioned that multiplied tyranny, made famous by the name of the thirty tyrants: at another time, when by the ſame error they were conſtrained, through the power of Piſtratus, to ſtoop unto his ſingle tyranny.

Upon this ſcore alſo, the people of Syracuſe had the ſame misfortune under the tyrant Hiero, as had they of Sicily, under Dionyſius and Agathocles.

In Rome alſo the caſe is the ſame too: for during the time that liberty was included within the ſenate, they gave both Mælius and Manlius an opportunity to aſpire, by permitting them a growth of too much greatneſs: but by good fortune eſcaping their clutches, they afterwards fell as fooliſhly into the hands of ten of their fellow-ſenators, called the Decemviri, in giving them ſo much power as tempted them unto tyranny. Afterwards, when

when the people ſcuffled, and made a ſhift to recover their liberty out of the hands of the ſenate, they committed the ſame error too, by permitting of their ſervants to grow over-great; ſuch as Sylla, who by power tyrannized and made himſelf dictator for five years, as Cæſar afterwards ſettled the dictatorſhip upon himſelf for ever; and after Cæſar's death, they might have recovered their liberty again, if they had taken care (as they might eaſily have done) to prevent the growing greatneſs of Auguſtus, who gaining power firſt, by the courteſy and good will of the ſenate and people, made uſe of it to eſtabliſh himſelf in a tyranny, which could never after be extinguiſhed, but in the ruin of the Roman empire itſelf.

Thus alſo the free-ſtate of Florence fooliſhly ruined itſelf by the greatning of Coſmus; firſt, permitting him to ingroſs the power, which gave him opportunity to be a tyrant; and then as fooliſhly forcing him to declare himſelf a tyrant, by an unſeaſonable demand of the power back out of his hands. Many more inſtances might be fetched out of Milan, Switzerland, and other places: but we have one nearer home, and of a later date, in Holland; whereby, permitting the family of Orange to greaten a little more than beſeemed a member of a free ſtate, they were inſenſibly

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reduced to the laſt caſt, to run the hazard of the loſs of their liberty.

Therefore one prime principle of ſtate, is, to keep any man, though he have deſerved never ſo well by good ſucceſs or ſervice, from being too great or popular: it is a notable means (and ſo eſteemed by all free-ſtates) to keep and preſerve a commonwealth from the rapes of uſurpation.

14th reaſon.

In this form all powers are accountable for miſdemeanors in government.

A fourteenth reaſon, (and though the laſt, yet not the leaſt) to prove a free-ſtate or government by the people, ſettled in a due and orderly ſucceſſion of their ſupreme aſſemblies, is much more excellent than any other form, is, becauſe in this form, all powers are accountable for miſdemeanors in government, in regard of the nimble returns and periods of the people's election: by which means, he that ere-while was a governor, being reduced to the condition of a ſubject, lies open to the force of the laws, and may with eaſe be brought to puniſhment for his offence; ſo that, after the obſervation of ſuch a courſe, others which ſucceed will become the leſs daring to offend, or to abuſe their truſt in authority, to an oppreſſion of the people. Such a courſe as this, cuts the very throat of all tyranny; and doth not only root it up when at full growth, but cruſheth the cockatrice in the egg, deſtroys it in the ſeed, in the principle, and in the very

poſſibilities

poſſibilities of its being for ever after. And as the ſafety of the people is the ſovereign and ſupreme law; ſo an eſtabliſhment of this nature is an impregnable bulwark of the people's ſafety, becauſe without it, no certain benefit can be obtained by the ordinary laws; which if they ſhould be diſpenſed by uncontroulable, unaccountable perſons in power, ſhall never be interpreted but in their own ſenſe; nor executed but after their own wills and pleaſure.

Now this is moſt certain, that as in the government of the people, the ſucceſſive revolution of authority by their conſent hath ever been the only bank againſt inundations of arbitrary power and tyranny; ſo on the other ſide, it is as ſure, that all ſtanding powers have and ever do aſſume unto themſelves an arbitrary exerciſe of their own dictates at pleaſure, and make it their only intereſt to ſettle themſelves in an unaccountable ſtate of dominion: ſo that, though they commit all the injuſtice in the world, their cuſtom hath been ſtill to perſuade men, partly by ſtrong pretence of argument, and partly by force, that they may do what they liſt; and that they are not bound to give an account of their actions to any but to God himſelf. This doctrine of tyranny hath taken the deeper root in men's minds, becauſe the greateſt part was ever inclined to adore the

golden

golden idol of tyranny in every form: by which means the rabble of mankind being prejudicated in this particular, and having placed their corrupt humour or intereſt in baſe fawning, and the favour of preſent great ones, therefore if any reſolute ſpirit happen to broach and maintain true principles of freedom, or do at any time ariſe to ſo much courage, as to perform a noble act of juſtice, in calling tyrants to an account, preſently he draws all the enmity and fury of the world about him. But in commonwealths it is and ought to be otherwiſe; for, in the monuments of the Grecian and Roman freedom, we find, thoſe nations were wont to heap all the honours they could invent, by public rewards, conſecration of ſtatues, and crowns of laurel, upon ſuch worthy patriots: and as if on earth all were too little, they inrolled them in heaven among the deities. And all this they did out of a noble ſenſe of commonweal-intereſt; knowing that the life of liberty conſiſts in a ſtrict hand, and zeal againſt tyrants and tyranny, and by keeping perſons in power from all the occaſions of it: which cannot be better done, than (according to the cuſtom of all ſtates that are really free) by leaving them liable to account: which happineſs was never ſeen yet under the ſun, by any law or cuſtom eſtabliſhed, ſave only in thoſe ſtates, where all

men are brought to taſte of ſubjection as well as rule, and the government ſettled by a due ſucceſſion of authority, by conſent of the people.

In Switzerland the people are free indeed, becauſe all officers and governors in the cantons, are queſtionable by the people in their ſucceſſive aſſemblies.

The inference from the foregoing particulars, is eaſy, That ſince freedom is to be preſerved no other way in a commonwealth, but by keeping officers and governors in an accountable ſtate; and ſince it appears no ſtanding powers can ever be called to an account without much difficulty, or involving a nation in blood or miſery. And ſince a revolution of government in the people's hands hath ever been the only means to make governors accountable, and prevent the inconveniences of tyranny, diſtraction, and miſery; therefore for this, and thoſe other reaſons foregoing, we may conclude, that a free ſtate, or government by the people, ſettled in a due and orderly ſucceſſion of their ſupreme aſſemblies, is far more excellent every way than any other form whatſoever.

ALL

ALL OBJECTIONS AGAINST THE GOVERNMENT of the PEOPLE ANSWERED.

CONſidering, that in times paſt, the people of this nation were bred up and inſtructed in the brutiſh principles of monarchy, by which means they have been the more averſe from entertaining notions of a more noble form: and remembring, that not long ſince we were put into a better courſe, upon the declared intereſt of a free-ſtate, or commonwealth; I conceived nothing could more highly tend to the propagation of that good intereſt, and the honour of its founders, than to manifeſt the inconveniences and ill conſequences of the other forms; and ſo to root up their principles, that the good people, who but the other day were inveſted in the poſſeſſion of a more excellent way, may (in order to their re-eſtabliſhment) underſtand what commonwealth-

commonwealth-principles are; and thereby become the more reſolute to defend them againſt the common enemy; learn to be true commonwealth's-men, and zealous againſt monarchic-intereſt, in all its appearances and incroachments whatſoever. To this end we have ſet down our poſition, that a free-ſtate, or government by the people, ſettled in a due and orderly ſucceſſion of their ſupreme aſſemblies, is the moſt excellent form of government; which (I humbly conceive) hath been ſufficiently proved, both by reaſon and example: but becauſe many pretences of objection are in being, and ſuch as by many are taken for granted; therefore it falls in of courſe, that we may refute them: which being done with the ſame evidence of reaſon and example, I doubt not but it will ſtop all the mouths, not only of ignorance, but even of malice and flattery, which have preſumed to prophane that pure way of a free-ſtate, or government by the people.

That objection of royaliſts, and others, which we ſhall firſt take notice of, is this, that the erecting of ſuch a government would be to ſet on levelling and confuſion.

A free-ſtate the only preſervative againſt levelling, and confuſion of propriety.

For anſwer, if we take levelling in the common uſage and application of the term in theſe days, it is of an odious ſignification, as if it levelled all men in point of eſtates, made all

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things common to all, deſtroyed propriety, introduced a community of enjoyments among men; which is a ſcandal faſtened by the cunning of the common enemy upon this kind of government, which they hate above all others; becauſe, were the people once put in poſſeſſion of their liberty, and made ſenſible of the great benefits they may reap by its enjoyment, the hopes of all the royal ſticklers would be utterly extinct, in regard it would be the likelieſt means to prevent a return of the intereſt of monarchy; for no perſon or parties ſeeking or ſetting up a private intereſt of their own, diſtinct from the public, it will ſtop the mouths of all gainſayers. But the truth is, this way of free-ſtate, or government by the people in their ſucceſſive aſſemblies, is ſo far from introducing a community, that it is the only preſervative of propriety in every particular: the reaſons whereof are plain; for, as on the one ſide, it is not in reaſon to be imagined, that ſo choice a body, as the repreſentative of a nation, ſhould agree to deſtroy one another in their ſeveral rights and intereſts: on the other ſide, all determinations being carried in this form by common conſent, every man's particular intereſt muſt needs be fairly provided for, againſt the arbitrary diſpoſition of others; therefore, whatever is contrary to this, is levelling indeed; becauſe it placeth every man's

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right under the will of another, and is no leſs than tyranny; which ſeating itſelf in an unlimited uncontroulable prerogative over others without their conſent, becomes the very bane of propriety; and however diſquieted, or in what form ſoever it appears, is indeed the very intereſt of monarchy.

Now that a free-ſtate, or ſucceſſive government of the people, &c. is the only preſervative of propriety, appears by inſtances all the world over; yet we ſhall cite but a few.

Under monarchs, we ſhall find ever, that the ſubjects had nothing that they could call their own; neither lives, nor fortunes, nor wives, nor any thing elſe that the monarch pleaſed to command, becauſe the poor people knew no remedy againſt the levelling will of an unbounded ſovereignty; as may be ſeen in the records of all nations that have ſtooped under that wretched form: whereof we have alſo very ſad examples in France, and other kingdoms, at this very day, where the people have nothing of propriety; but all depends upon the royal pleaſure, as it did of late here in England. Moreover, it is very obſervable, that in kingdoms where the people have enjoyed any thing of liberty and propriety, they have been ſuch kingdoms only, where the frame of government hath been ſo well tempered, as that the beſt ſhare of it

hath been retained in the people's hands; and by how much the greater influence the people have had therein, ſo much the more ſure and certain they have been, in the enjoyment of their propriety.

To paſs by many other inſtances, conſider how firm the Arragonians were in their liberties and properties, ſo long as they held their hold over their kings in their ſupreme aſſemblies; and no ſooner had Philip the Second deprived them of their ſhare in the government, but themſelves and their properties became a prey (and have been ever ſince) to the will and pleaſure of their kings.

The like alſo may be ſaid of France, where, as long as the people's intereſt bore ſway in their ſupreme aſſemblies, they could call their lives and fortunes their own, and no longer: for, all that have ſucceeded ſince Lewis the Eleventh, followed his levelling pattern ſo far, that in ſhort time they deſtroyed the people's property, and became the greateſt levellers in Chriſtendom. We were almoſt at the ſame paſs here in England: for, as long as the people's intereſt was preſerved by frequent and ſucceſſive parliaments; ſo long we were in ſome meaſure ſecure of our properties: but as kings began to worm the people out of their ſhare in government, by diſcontinuing of parliaments: ſo they carried on their level-

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ling deſign, to the deſtroying of our properties; and had by this means brought it ſo high, that the oracles of the law and goſpel ſpake it out with a good levelling grace, "That all was the king's, and that we had nothing we might call our own."

Thus you ſee how much levelling, and little of propriety, the people have had certain under monarchs; and if any at all, by what means, and upon what terms they have had it. Nor hath it been thus only under kings; but we find, the people have ever had as little of property ſecure, under all other forms of ſtanding powers; which have produced as errant levellers in this particular, as any of the monarchies. In the free-ſtate of Athens, as long as the people kept free indeed, in an enjoyment of their ſucceſſive aſſemblies, ſo long they were ſecure in their properties, and no longer. For, to ſay nothing of their kings, whoſe hiſtory is very obſcure, we find, after they were laid aſide, they erected another form of ſtanding power, in a ſingle perſon, called a governor, for life; who was alſo accountable for miſdemeanors: but yet a trial being made of nine of them, the people ſaw ſo little ſecurity by them, that they pitched upon another ſtanding form of decimal government; and being oppreſſed by them too, they were caſhier'd. The like miſeries they taſted un-

der the ſtanding power of thirty, which were a ſort of levellers more rank than all the reſt; who put to death, baniſhed, pill'd, and poll'd whom they pleaſed, without cauſe or exception; ſo that the poor people having been tormented under all the forms of ſtanding power, were in the end forced (as their laſt remedy) to take ſanctuary under the form of a free-ſtate, in their ſucceſſive aſſemblies.

And though it may be objected, that afterwards they fell into many diviſions and miſeries, even in that form: yet whoever obſerves the ſtory, ſhall find, it was not the fault of the government, but of themſelves, in ſwerving from the rules of a free-ſtate, by permitting the continuance of power in particular hands; who having an opportunity thereby to create parties of their own among the people, did for their own ends, inveigle, engage, and entangle them in popular tumults and diviſions. This was the true reaſon of their miſcarriages. And if ever any government of the people did miſcarry, it was upon that account.

Thus alſo the Lacedemonians, after they had for ſome years tried the government of one king, then of two kings at once of two diſtinct families; afterwards came in the Ephori, as ſuperviſors of their kings; after (I ſay) they had tried themſelves through all

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the forms of a ſtanding power, and found them all to be levellers of the people's intereſt and property, then neceſſity taught them to ſeek ſhelter in a free-ſtate, under which they lived happily, till by a forementioned error of the Athenians, they were drawn into parties by powerful perſons, and ſo made the inſtruments of diviſion among themſelves, for the bringing of new levellers into play; ſuch as were Manchanidas and Nabis, who ſucceeded each other in a tyranny.

In old Rome, after the ſtanding form of kings was extinct, and a new one eſtabliſhed, the people found as little of ſafety and property as ever: for, the ſtanding ſenate, and the Decemviri, proved as great levellers as kings: ſo that they were forced to ſettle the government of the people by a due and orderly ſucceſſion of their ſupreme aſſemblies. Then they began again to recover their property, in having ſomewhat they might call their own; and they happily enjoyed it, till, as by the ſame error of the Lacedemonians and Athenians, ſwerving from the rules of a free-ſtate, lengthning of power in particular hands, they were drawn and divided into parties, to ſerve the luſts of ſuch powerful men as by craft became their leaders: ſo that by this means (through their own default) they were depri-

ved of their liberty long before the days of imperial tyranny. Thus Cinna, Sylla, Marius, and the reſt of that ſucceeding gang, down to Cæſar, uſed the people's favour, to obtain a continuation of power in their own hands; and then having ſaddled the people with a new ſtanding form of their own, they immediately rooted up the people's liberty and property, by arbitrary ſentences of death, proſcriptions, fines, and confiſcations: which ſtrain of levelling, (more intolerable than the former) was maintained by the ſame arts of deviliſh policy down to Cæſar; who ſtriking in a favourite of the people, and making uſe of their affections to lengthen power in his own hands; at length, by this error of the people, gained opportunity to introduce a new levelling form of ſtanding power in himſelf, to an utter and irrecoverable ruin of the Roman liberty and property.

In Florence they have been in the ſame caſe there, under every form of ſtanding power. It was ſo, when the great ones ruled: it was ſo under Goderino, it was ſo under Savanarola the monk. When they once began to lengthen power by the people's favour, they preſently fell to levelling and domineering, as did Coſmus afterwards, that crafty founder of the preſent dukedom.

Upon

Upon the ſame terms, the republic of Piſa loſt themſelves, and became the prey of ſeveral uſurpations.

Mantua was once a free city of the empire; but neglecting their ſucceſſive aſſemblies, and permitting the great ones, and moſt wealthy, to form a ſtanding power in themſelves: the people were ſo vexed with them, that one Pafferimo getting power in his own hands, and then lengthening it by artifice, turned leveller too, ſubjecting all to his own will; ſo that the poor people, to rid their hands of him, were forced to pitch upon another, as bad, and tranſlate their power into a petty dukedom, in the hands of the family of Gonzaga.

We may from hence ſafely conclude againſt all objecting monarchs and royaliſts, of what name and title ſoever, that a free-ſtate or commonwealth by the people in their ſucceſſive aſſemblies is ſo far from levelling or deſtroying property, that in all ages it hath been the only preſervative of liberty and property, and the only remedy againſt the levellings and uſurpations of ſtanding powers: for, it is clear, that kings and all ſtanding powers are the levellers.

A ſecond objection in the mouths of many, is this, "that the erecting of ſuch a form in the people's hands, were the ready way to

cauſe confuſion in government; when all perſons (without diſtinction) are allowed a right to chuſe and be choſen members of the ſupreme aſſemblies.

A free-ſtate gives no cauſe of confuſion.

For anſwer to this, know, we muſt conſider a commonwealth in a twofold condition: either in its ſettled ſtate, when fully ſtabliſhed and founded, and when all men were ſuppoſed friends to its eſtabliſhment; or elſe when it is newly founding or founded, and that in the cloſe of a civil war, upon the ruin of a former government, and thoſe that ſtood for it; in which caſe it ever hath a great party within itſelf, that are enemies to its eſtabliſhment.

As to the firſt, to wit, a commonwealth in its ſettled and compoſed ſtate, when all men within it are preſumed to be its friends, queſtionleſs, a right to chuſe and to be choſen, is then to be allowed the people, (without diſtinction) in as great a latitude, as may ſtand with right reaſon and convenience, for managing a matter of ſo high conſequence as their ſupreme aſſemblies; wherein ſomewhat muſt be left to human prudence; and therefore that latitude being to be admitted more or leſs, according to the nature, circumſtances, and neceſſities of any nation, is not here to be determined.

But as to a commonwealth under the

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ſecond conſideration, when it is founding, or newly founded, in the cloſe of a civil war, upon the ruin of a former government; in this caſe, (I ſay) to make no diſtinction betwixt men; but to allow the conquered part of the people an equal right to chuſe and to be choſen, &c. were not only to take away all proportion in policy, but the ready way to deſtroy the commonwealth, and by a promiſcuous mixture of oppoſite intereſts, to turn all into confuſion.

Now, that the enemies of liberty, being ſubdued upon the cloſe of a civil war, are not to be allowed ſharers in the rights of the people, is evident, for divers reaſons; not only becauſe ſuch an allowance would be a means to give them opportunity to ſow the ſeeds of new broils and diviſions, and bring a new hazard upon the liberties of the people, (which are reaſons derived from convenience:) but there is a more ſpecial argument from the equity of the thing, according to the law and cuſtom of nations, that ſuch as have commenced war, to ſerve the luſts of tyrants againſt the people's intereſt, ſhould not be received any longer a part of the people, but may be handled as ſlaves when ſubdued, if their ſubduers pleaſe ſo to uſe them; becauſe by their treaſons againſt the majeſty of the people, (which they ought to have maintained) they

have

have made forfeiture of all their rights and privileges, as members of the people; and therefore if it happens in this caſe at any time, that any immunities, properties, or enjoyments be indulged unto them, they muſt not take them as their own by right, but as boons beſtowed upon them by the people's courteſy.

The old commonwealth of Greece was very ſevere in this particular: for, as they were wont to heap up all honours they could vent, upon ſuch as did or ſuffered any thing for the maintenance of their liberty; ſo, on the other ſide they puniſhed the underminers of it, or thoſe that any ways appeared againſt it, with utmoſt extremity; perſecuting them with forfeitures, both of life and fortune; and if they eſcaped with life, they uſually became ſlaves; and many times they perſecuted them, being dead, branding their memories with an eternal mark of infamy.

In old Rome they dealt more mildly with the greateſt part of thoſe that had ſided with the Tarquins after their expulſion: but yet they were not reſtored to all their former privileges. In proceſs of time, as oft as any conſpired againſt the people's intereſt, in their ſucceſſive aſſemblies; after they had once gotten them, themſelves were baniſhed, and their eſtates confiſcated, not excepting many of the ſenators, as well as others; and made

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for ever incapable of any truſt in the common-wealth.

Afterwards, they took the ſame courſe with as many of Catiline's fellow-traitors and conſpirators, as were worthy any thing; and had no doubt ſufficiently paid Cæſar's abettors in the ſame coin, but that he wore out all oppoſites with his proſperous treaſon. Thus Milan, and the reſt of thoſe ſtates, when they were free, as alſo the Swiſſes and Hollanders, in the infancy of the Helvetian and Belgic freedoms, who took the ſame courſe with all thoſe unnatural parricides and apoſtates, that offered firſt to ſtrangle their liberty in the birth, or afterwards in the cradle, by ſecret conſpiracy, or open violence. Nor ought this to ſeem ſtrange, ſince if a right of conqueſt may be uſed over a foreign, who only is to be accounted a fair, enemy: much more againſt ſuch as, againſt the light of nature, ſhall engage themſelves in ſo foul practices, as tend to ruin the liberty of their native country.

Seeing therefore that the people in their government, upon all occaſions of civil war againſt their liberties, have been moſt zealous in vindicating thoſe attempts upon the heads of the conſpirators: ſeeing alſo, that upon the cloſe of a civil war, they have a right; and not only a right, but uſually a very great

reſolution

reſolution to keep out thoſe enemies of liberty, whom they conquer, from a participation of any right in government: therefore in this caſe alſo, as well as the former, we may conclude, that they in their ſucceſſive aſſemblies, are ſo far from levelling the intereſt of government into all hands, without diſtinction, that their principal care is ever to preſerve it in their own, to prevent the return of new wars, old intereſts, and confuſion.

But there is a third objection againſt it, drawn from a pretended inconvenience of ſuch a ſucceſſion; alledging, "That the management of ſtate-affairs requires judgment and experience; which is not to be expected from new members coming into thoſe aſſemblies upon every election.

Affairs of ſtate as well managed under a free-ſtate as under any form.

Now, becauſe the very life of liberty lies in a ſucceſſion of powers and perſons; therefore it is meet I ſhould be ſomewhat preciſe and punctual by way of anſwer to this particular. Obſerve then, that in government two things are to be conſidered: *acta imperii*, and *arcana imperii*: that is, acts of ſtate, and ſecrets of ſtate. By acts of ſtate, we mean the laws and ordinances of the legiſlative power: theſe are the things that have moſt influence upon a commonwealth, to its ill or well-being; and are the only remedies for ſuch bad cuſtoms, inconveniences, and incroachments as afflict

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and grieve it. Wherefore, matters of grievance being matters of common ſenſe, and ſuch are obvious to the people, who beſt know where the ſhoe pinches them; certainly, there is no need of any great ſkill or judgment in paſſing or applying a law for remedy, which is the proper work of the people in their ſupreme aſſemblies; and ſuch, as every ordinary underſtanding is inſtructed in by the light of nature: ſo that, as to this, there can be no danger by inſtituting an orderly ſucceſſion of the people.

But as for thoſe things called *arcana imperii*, ſecrets of ſtate, or the executive part of government, during the intervals of their ſupreme aſſemblies: theſe things being of a nature remote from ordinary apprehenſions, and ſuch as neceſſarily require prudence, time, and experience, to fit men for management: much in reaſon may be ſaid, and muſt be granted, for the continuation of ſuch truſts in the ſame hands, as relate to matter of counſel, or adminiſtration of juſtice, more or leſs, according to their good or ill-behaviour. A prudential continuation of theſe, may (without queſtion) and ought to be allowed upon diſcretion; becauſe, if they do amiſs, they are eaſily accountable to the people's aſſemblies. But now the caſe is otherwiſe, as to theſe ſupreme aſſemblies, where a few eaſy, neceſ-

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ſary things, ſuch as common ſenſe and reaſon inſtruct men in, are the fitteſt things for them to apply themſelves unto; and there the people's truſtees are to continue, of right, no longer than meer neceſſity requires, for their own redreſs and ſafety; which being provided for, they are to return into a condition of ſubjection and obedience, with the reſt of the people, to ſuch laws and government as themſelves have erected: by which means alone, they will be able to know whether they have done well or ill, when they feel the effects of what they have done. Otherwiſe, if any thing happen to be done amiſs, what way can there be for remedy? ſince no appeal is to be had from the ſupreme body of the people, except a due courſe of ſucceſſion be preſerved from hand to hand, by the people's choice; and other perſons thereupon admitted (upon the ſame terms) into the ſame authority.

This is the truth, as we have made manifeſt both by reaſon and example: therefore we ſhall add a little to our former diſcourſe, by way of illuſtration. In Athens, when governed by the people, we find, it was their courſe to uphold conſtant returns, and periods of ſucceſſion in their ſupreme aſſemblies, for remedy of grievances; and they had a ſtanding council, called the Areopagus, to whom all the ſecrets of ſtate were committed, toge-

ther with the adminiſtration of government during the intervals of thoſe aſſemblies, at whoſe return they were accountable; and warily continued, or excluded, as the people found cauſe.

In Sparta they had the like; as alſo in Rome, after the people had once got their ſucceſſive aſſemblies, wherein they paſſed laws for government: and not knowing how to be rid of their hereditary ſenate, they permitted them and their families to continue a ſtanding council; but yet controulable by, and accountable to their aſſemblies, who ſecluded and baniſhed many of them for their miſdemeanors: ſo that by this means the people had an opportunity to make uſe of their wiſdom, and curb their ambition.

In Florence (when free) the government was after the ſame mode.

In Holland alſo, and Switzerland, they have their ſupreme aſſemblies frequent by election, with exceeding benefit, but no prejudice to affairs: for the frequency of thoſe ſucceſſive meetings, preſerves their liberty, and provides laws; the execution whereof is committed to others, and affairs of ſtate to a council of their own choice, accountable to themſelves: where their ſtate-concernments very ſeldom miſcarry, becauſe they place and diſplace their

their counſellors with extraordinary care and caution.

By theſe particulars, you may perceive the vanity of the aforeſaid objection, and how ſlender a pretence it is againſt that excellent courſe of ſucceſſive aſſemblies; ſince affairs of ſtate are as well diſpoſed (or rather better) under this form than any other.

Diſcontents and tumults, no natural effects of a free-ſtate.

A fourth objection commonly uſed againſt the conſtitution of a free-ſtate, or government by the people in their ſucceſſive aſſemblies, is this: "That ſuch a government brings great damage to the public, by their frequent diſcontents, diviſions, and tumults, that ariſe within it."

For anſwer to this, it is requiſite that we take notice of thoſe occaſions which are the common cauſes of ſuch humours in this form: which being once known, it will eaſily appear whence thoſe inconveniences do ariſe, and not from any default in the nature of the government: they are commonly theſe three.

Firſt, when any of their fellow-citizens, or members of the commonweal ſhall arrogate any thing of power and privilege unto themſelves, or their families, whereby to grandize or greaten themſelves, beyond the ordinary ſize and ſtandard of the people. We find this to be moſt true, by the courſe of

affairs

affairs in the Roman ſtate, as they are recorded by Livy; who plainly ſhews, that upon the expulſion of the Tarquins, though the ſenate introduced a new government, yet their retaining the power of the old within the hands of themſelves and their families, was the occaſion of all thoſe after diſcontents and tumults that aroſe among the people. For, had Brutus made them free, when he declared them ſo; or had the ſenate a little after, followed the advice and example of Publicola, and ſome others as honeſt as he; all occaſion of diſcontent had been taken away: but when the people ſaw the ſenators ſeated in a lofty poſture over them; when they felt the weight of that ſtate and dignity preſſing upon ſhoulders that were promiſed to be at eaſe, and free; when they found themſelves exempted from the enjoyment of the ſame common privileges, excluded from all offices, or alliance with the ſenators; their purſes emptied of money, their bellies of meat, and their hearts of hope: then it was, that they began to grumble and mutiny; and never until they got a power to bridle the great ones, by an happy ſucceſſion of their ſupreme aſſemblies.

A ſecond occaſion of the people's being inclined to diſcontent and tumult, under their free form of government, appears in ſtory to

be this: When they felt themſelves not fairly dealt withal, by ſuch as became their leaders and generals. Thus in Syracuſa, Dionyſius cloathing himſelf with a pretence of the people's liberties, and being by that means made their general, and then making uſe of that power to other ends than was pretended, became the fire-brand of that ſtate, and put the people all into flames, for the expulſion of him, who had made a forfeiture of all his glorious pretences.

Thus in Sparta; the people were peaceable enough under their own government, till they found themſelves over-reached, and their credulity abuſed by ſuch as they truſted, whoſe deſigns were laid in the dark, for the converting of liberty into tyranny, under Manchanidas and Nabis. In old Rome, under the people's government, it is true, it was a ſad ſight oftentimes to ſee the people ſwarming in tumults, their ſhops ſhut up, and all trading given over throughout the city, and ſometimes the city forſaken and left empty.

But here, as alſo in Athens, the occaſion was the ſame: for, as the people naturally love peace and eaſe; ſo finding themſelves often out-witted and abuſed by the ſlights and feats of the ſenate, they preſently (as it is their nature upon ſuch occaſions) grew out of all patience. The caſe was the ſame alſo,

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when any one of their ſenators, or of themſelves, arrived to any height of power by inſinuating into the people's favour, upon ſpecious and popular pretences, and then made a forfeiture of thoſe pretences, by taking a contrary courſe. Thus Sylla of the ſenatorian order, and Marius of the plebeian, both got power into their hands, upon pretence of the people's good, (as many others did before and after, not only in Rome, but in other free-ſtates alſo) but forfeiting their pretences by taking arbitrary courſes, they were the ſole cauſes of all thoſe tumults and ſlaughters among the Romans, the infamy whereof hath moſt injuriouſly been caſt upon the people's government, by the profane pens of ſuch as have been bold in penſion or relation in the courts of princes.

Thus Cæſar alſo himſelf, ſtriking as a favourite of the people upon fair pretences, and forfeiting them, when in power, was the only cauſe of all thoſe ſucceeding civil broils and tragedies among the people.

A third occaſion of the people's being inclined to diſcontent and tumult in a free-ſtate, is this, when they are ſenſible of oppreſſion. For, I ſay again, the people are naturally of a peaceable temper, minding nothing but a free enjoyment: but if once they find themſelves circumvented, miſled, or ſqueezed by

ſuch as they have intruſted, then they ſwell like the ſea, and over-run the bounds of juſt and honeſt, ruining all before them.

In a word, there is not one precedent of tumults or ſedition can be cited out of all ſtories, by the enemies of freedom, againſt the people's government; but it will appear likewiſe thereby, that the people were not in fault, but either drawn in, or provoked thereto, by the craft or injuſtice of ſuch fair pretenders as have had by-ends of their own, and by-deſigns upon the public liberty.

Nevertheleſs, admit that the people were tumultuous in their own nature; yet thoſe tumults (when they happen) are more eaſily to be borne, than theſe inconveniences that ariſe from the tyranny of monarchs and great ones: for popular tumults have theſe three qualities.

Firſt, the injury of them never extends further than ſome few perſons, and thoſe (for the moſt part) guilty enough; as were the thirty grandees in Athens, the ten in Rome, and thoſe other ſtate-mountebanks, that ſuffered for their practices by the people's fury.

Secondly, thoſe tumults are not laſting, but (like fits) quickly over: for, an eloquent oration, or perſuaſion, (as we ſee in the example of Menenius Agrippa) or the reputation of

of ſome grave or honeſt man, (as in the example of Virginius, and afterwards of Cato) doth very eaſily reduce and pacify them.

Thirdly, the ending of thoſe tumults, tho' they have ruined ſome particulars, yet it appears they have uſually turned to the good of the public: for we ſee, that both in Athens and Rome, the great ones were by this means kept in awe from injuſtice; the ſpirits of the people were kept warm with high thoughts of themſelves and their liberty, which turned much to the inlargement of their empire.

And laſtly, by this means they came off always with good laws for their profit, (as in the caſe of the law of twelve tables, brought from Athens to Rome) or elſe with an augmentation of their immunities, and privileges (as in the caſe of procuring the tribunes, and their ſupreme aſſemblies) and afterwards in the frequent confirmation of them againſt the incroachments of the nobles.

Now the caſe is far otherwiſe under the ſtanding power of the great ones; they, in their counſels, projects, and deſigns, are faſt and tenacious; ſo that the evils under thoſe forms are more remedileſs. Beſides, they reach to the whole body of a commonweal: and ſo the evils are more univerſal. And laſtly, thoſe tumults, quarrels, and inconveni-

encies that ariſe from among them, never tend nor end, but to the farther oppreſſion and ſuppreſſion of the people in their intereſt and propriety.

For concluſion then: by theſe particulars you may plainly ſee the vanity of this objection about tumults, how far they are from being natural effects of the people's government; inſomuch, as by the records of hiſtory, it appears rather that they have been the neceſſary conſequences of ſuch tricks and cheats of great men, as in the days of yore have been put upon the people.

Calumniation leſs uſed under the people's government, than under any other form.

A fifth objection againſt the form of a free-ſtate, or government by the people in their ſucceſſive aſſemblies, and which we find moſt in the mouths of royaliſts and paraſites, is this, "That little ſecurity is to be had therein for the more wealthy and powerful ſort of men, in regard of that liberty which the people aſſume unto themſelves, to accuſe or calumniate whom they pleaſe upon any occaſion."

For anſwer to this, know, that calumniation (which ſignifies ambitious ſlandering of men, by whiſperings, reports, or falſe accuſations) was never allowed or approved in this form of government. 'Tis true indeed, that ſuch extravagances there have been (more or leſs) in all forms whatſoever; but in this,

this, leſs than any: it being moſt in uſe under ſtanding powers of great ones, who make it their grand engine to remove or ruin all perſons that ſtand in the way of them and their deſigns: And for this purpoſe, it hath ever been their common cuſtom to have inſtruments ready at hand; as we ſee in all the ſtories of kings and grandees from time to time; yea, and by Ariſtotle himſelf, together with the whole train of commentators, it is particularly marked out *inter flagitia dominationis*, to be one of the peculiar enormities that attend the lordly intereſt of dominion.

The Roman ſtate, after it grew corrupt, is a ſufficient inſtance; where we find, that not only the ten grandees, but all that ſucceeded them in that domineering humour over the people, ever kept a retinue well ſtock'd with calumniators and informers, (ſuch as we call "Knights of the poſt") to ſnap thoſe that in any wiſe appeared for the people's liberties. This was their conſtant trade, as it was afterwards alſo of their emperors. But all the while that the people kept their power entire in the ſupreme aſſemblies, we read not of its being brought into any conſtant practice. Sometimes indeed, thoſe great commanders that had done them many eminent ſervices, were, by reaſon of ſome after-actions, called to an account; and having, by an ingroſſ-

ment of power, rendered themſelves ſuſpected, and burthenſome to the commonwealth, were commanded to retire, as were both the Scipio's.

And in the ſtories of the Athenian commonwealth, we find that by their lofty and unwary carriage, they ſtirred up the people's fear and jealouſy ſo far, as to queſtion and ſend divers of them into baniſhment, notwithſtanding all their former merits; as we read of Alcibiades, Themiſtocles, and others: whereas, if the rules of a free-ſtate had been punctually obſerved, by preſerving a diſcreet revolution of powers, and an equability, or moderate ſtate of particular perſons, there had been no occaſion of incroachment on the one part, or of fear on the other; nor could the prying royaliſt have had the leaſt pretence or ſhadow of invective againſt the people's government in this particular.

Thus much of calumniation, which is leſs frequent under the people's form, than any other.

Now as to the point of accuſing, or liberty of accuſation by the people, before their ſupreme aſſemblies; it is a thing ſo eſſentially neceſſary for the preſervation of a commonwealth, that there is no poſſibility of having perſons kept accountable without it; and, by conſequence, no ſecurity of life and eſtate,

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liberty and property. And of what excellent uſe this is, for the public benefit of any ſtate, appears in theſe two particulars.

Firſt, it is apparent, that the reaſon wherefore kings, and all other ſtanding powers, have preſumed to abuſe the people, is, becauſe their continuation of authority having been a means to ſtate them in a condition of impunity, the people either durſt not, or could not aſſume a liberty of accuſation; and ſo have lingered without remedy, whilſt great men have proceeded without controul to an augmentation of their miſery: whereas if a juſt liberty of accuſation be kept in ure, and great perſons by this means lie liable to queſtioning, the commonwealth muſt needs be the more ſecure; becauſe none then will dare to intrench, or attempt aught againſt their liberty; and in caſe any do, they may with much eaſe be ſuppreſſed. All which amounts, in effect, to a full confirmation of this moſt excellent maxim, recorded in policy: *Maxime intereſt repub. libertatis, ut libere poſſis civem aliquem accuſare:* "It moſt highly concerns the freedom of a commonwealth, that the people have liberty of accuſing any perſons whatſoever."

Secondly, it appears, this liberty is moſt neceſſary, becauſe as it hath been the only remedy againſt the injuſtice of great and powerful

ful perſons ; ſo it hath been the only means to extinguiſh thoſe emulations, jealouſies, and ſuſpicions, which uſually abound with fury in men's minds, when they ſee ſuch perſons ſeated ſo far above, that they are not able to reach them, or bring them (as it becomes all earthly powers) to an account of their actions : of which liberty when the people have ſeen themſelves deprived in time paſt, it is ſad to conſider how they have flown out into ſuch abſurd and extraordinary courſes, in hope of remedy, as have cauſed not only diſtraction, but many times utter ruin to the public. Moſt of thoſe tumults in old Rome, were occaſioned for want of this liberty in ordinary ; as thoſe that happened under the Decemviri : ſo that the people, not having freedom to accuſe and queſtion their juſtice, were enflamed to commit ſudden outrages, to be revenged upon them. But when they had once obtained power to accuſe or queſtion any man, by aſſiſtance of their tribunes, then we meet with none of thoſe heats and fits among them ; but they referred themſelves over, with much content, to the ordinary courſe of proceeding. A pregnant inſtance whereof, we have in the caſe of Coriolanus ; who having done ſome injury to the people, they finding him befriended and upheld by the great ones, reſolved to be revenged upon him

with

with their own hands; and had torn him in pieces as he came out of the ſenate, but that the tribunes immediately ſtepped in, and not only promiſed, but appointed them a day of hearing againſt him; and ſo all was calm again, and quiet: whereas, if this ordinary courſe of remedy, in calling him to account, had not been allowed, and he been deſtroyed in a mutiny, a world of ſad conſequences muſt have befallen the commonwealth, by reaſon of thoſe enormities and revenges that would have riſen, upon the ruin of ſo conſiderable a perſon.

In the ſtories of Florence alſo, we read of one Valeſius, who greatning himſelf into little leſs than the poſture of a prince in that republic, he ſo confirmed himſelf, that the people not being able to regulate his extravagances by any ordinary proceedings, they betook themſelves to that unhappy remedy of arms; and it coſt the beſt blood and lives in that ſtate, before they could bring him down; involving them in a world of miſeries, which might have been avoided, had they taken care to preſerve their old liberty of accuſation and queſtion, and being able to take a courſe with him in an ordinary way of progreſs.

Thus alſo in the ſame ſtate, Soderino, a man of the ſame ſize, intereſt, and humour; when

when the people ſaw that they had loſt their liberty, in being unable to queſtion him, ran like madmen upon a remedy as bad as the diſeaſe, and called in the Spaniard to ſuppreſs him: ſo that turned almoſt to the ruin of the ſtate, which might have been prevented, could they have repreſſed him by the ordinary way of accuſation and queſtion.

From theſe premiſes, then, let us conclude, That ſeeing the crooked way of calumniation is leſs uſed under the people's form of government, than any other: and ſince the retaining of a regular courſe, for admitting and deciding of all complaints and controverſies by way of accuſation, is of abſolute neceſſity to the ſafety and well being of a commonwealth: therefore this objection is of as little weight as the reſt, ſo as in any wiſe to diminiſh the dignity and reputation of a free-ſtate, or government by the people in their ſucceſſive aſſemblies.

A ſixth objection againſt the form of a free-ſtate, or government by the people, is alledged by many, to this effect: "That people by nature are factious, inconſtant, and ungrateful."

Faction, inconſtancy, and ingratitude, no natural effects of the people's government.

For anſwer, firſt, as to the point of being factious, we have already ſhewn, that this government, ſtated in a ſucceſſion of its ſupreme aſſemblies, is the only preventive of faction; becauſe,

becauſe, in creating a faction, there is a neceſſity, that thoſe which endeavour it, muſt have opportunity to improve their ſlights and projects, in diſguiſing their deſigns; drawing in inſtruments and parties, and in worming out oppoſites: the effecting of all which, requires ſome length of time; which cannot be had, and conſequently, no faction formed, when government is not fixed in particular perſons, but managed by due ſucceſſion and revolution of authority in the hands of the people.

Beſides, it is to be conſidered, that the people are never the firſt or principal in faction: they are never the authors and contrivers of it, but ever the parties that are drawn into ſidings by the influence of ſtanding powers, to ſerve their intereſts and deſigns.

Thus Sylla and Marius, Pompey and Cæſar, continuing power in their own hands, cleft the Roman empire at ſeveral times into ſeveral parties: as afterwards it was cleft into three by the triumvirate; wherein the people had no hand, being (as they are always) purely paſſive, and paſſionately divided, according as they were wrought upon by the ſubtle inſinuations of the prime engineers of each faction.

Thus Italy was divided into Guelph and Gibelline: and France torn in two by the two

families

families of Orleans and Burgundy; alſo, by the Guiſians and their confederates; wherein the people had no further hand, than as they were acted by the perſuaſions and pretences of two powerful parties.

The caſe alſo was the ſame in England, in times paſt, when the grandee-game was in action between the two families of York and Lancaſter. So that it is clear enough, The people in their own nature are not inclined to be factious, nor are they ever engaged that way, farther than as their nature is abuſed, and drawn in by powerful perſons.

The ſecond particular of this objection is inconſtancy; which holds true indeed in them that are debauched, and in the corrupted ſtate of a commonwealth, when degenerated from its pure principles, as we find in that of Athens, Rome, Florence, and others: but yet in Rome you may ſee as pregnant inſtances of that people's conſtancy, as of any other ſort of men whatſoever: for they continued conſtant irreconcileable enemies to all tyranny in general, and kingly power in particular.

In like manner, when they had once gotten their ſucceſſive aſſemblies, they remained ſo firm and ſtiff to uphold them, that the ſucceeding tyrants could not in a long time, nor without extraordinary cunning and caution de-

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prive them of that only evidence of their liberty.

Moreover, it is obſervable of this people, That in making their elections they could never be perſuaded to chuſe a known infamous, vitious, or unworthy fellow; ſo that they ſeldom or never erred in the choice of their tribunes and other officers. And as in the framing of laws, their aim was ever at the general good, it being their own intereſt, *quatenus* the people; ſo their conſtancy in the conſervation of thoſe laws was moſt remarkable: for, notwithſtanding all the crafty devices and fetches of the nobles, the people could never be woo'd to a conſent of abrogating any one law, till by the alteration of time, affairs, and other circumſtances, it did plainly appear inconvenient.

But the caſe hath ever been otherwiſe under kings and all ſtanding powers, who uſually ran into all the extremes of inconſtancy, upon every new project, petty humour, and occaſion, that ſeemed favourable for effecting of their by-deſigns. And in order hereunto, ſtories will inform you, That it hath been their cuſtom, to ſhift principles every moon, and caſhier all oaths, proteſtations, promiſes and engagements, and blot out the memory of them with a wet finger.

This

This was very remarkable in the late king,* whoſe inconſtancy in this kind, was beyond compare; who no ſooner had paſſed any promiſes, made vows and proteſtations, fixed appeals in the high court of heaven, in the behalf of himſelf and his family; but preſently he forfeited all, and cancelled them by his actions.

As to the third point, of ingratitude, it is much charged upon this form of government; becauſe we read both in Athens and Rome, of divers unhandſome returns made to ſome worthy perſons that had done high ſervices for thoſe commonwealths; as Alcibiades, Themiſtocles, Phocion, Miltiades, Furius Camillus, Coriolanus, and both the Scipio's; the cauſe of whoſe misfortunes is deſcribed by Plutarch and Livy, to be their own lofty and unwary carriage; having (ſay they) by an ingroſſment of power, rendered themſelves ſuſpected and burthenſome to the commonwealth, and thereby ſtirred up the people's fear and jealouſy: whereas if they had kept themſelves within the rules of a free-ſtate, by permitting a diſcreet revolution of power in particular hands; there had been no occaſion of incroachment on the one part, nor of fear on the other. Of all, the Scipio's indeed were moſt to be pitied, becauſe their only fault ſeems to be too much power and greatneſs

* Charles I.

neſs, (which indeed is the greateſt fault that members of a commonwealth can be guilty of, if ſeriouſly conſidered;) inſomuch, that being grown formidable to their fellow-ſenators, they were by them removed: and ſo it appears to have been the act of the nobles, (upon their own ſcore and intereſt) and not of the people. But as for Camillus and Coriolanus, they ſufficiently deſerved whatſoever befel them, becauſe they made uſe of the power and reputation they had gotten by their former merits, only to malign and exerciſe an implacable hate towards the people's intereſt. Nevertheleſs, the people reſtored Camillus again to his eſtate and honour, after ſome little time of baniſhment.

And though this accident in a free-ſtate hath been objected by many, as a great defect; yet others again do highly commend the humour: For (ſay they) it is not only a good ſign of a commonwealth's being in pure and perfect health, when the people are thus active, zealous, and jealous in the behalf of their liberties, that will permit no ſuch growth of power as may endanger it; but it is alſo a convenient means to curb the ambition of its citizens, and make them contain within due bounds, when they ſee there is no preſuming after inlargements, and acceſ-

ſions of powers and greatneſs, without incurring the danger and indignation of the people.

Thus much of the reaſon why the people many times caſt off perſons that have done them eminent ſervices: yet on the other ſide, they were ſo far from ingratitude, that they have always been exceſſive in their rewards and honours, to ſuch men as deſerved any way of the public, whilſt they conformed themſelves to rules, and kept in a poſture ſuiting to liberty. Witneſs their conſecration of ſtatues, incenſe, ſacrifices, and crowns of laurel, inrolling ſuch men in the number of their deities.

Therefore the crime of ingratitude cannot in any peculiar manner be faſtened upon the people: but if we conſult the ſtories of all ſtanding powers, we may produce innumerable teſtimonies of their ingratitude toward ſuch as have done them the greateſt ſervice; ill recompence being a myſtery of ſtate practiſed by all kings and grandees, who (as Tacitus tells us) ever count themſelves diſobliged, by the braveſt actions of their ſubjects.

Upon this account, Alexander hated Antipater and Parmenio, and put the latter to death. Thus the emperor Veſpaſian caſhiered and ruined the meritorious Antonies. Thus alſo was Alphonſus Albuquerque ſerved by his

his maſter the king of Portugal; and Conſalvus the great, by Ferdinand of Aragon: as was alſo that Stanley of the houſe of Derby, who ſet the crown upon king Henry the ſeventh's head. Thus Sylla the Roman grandee deſtroyed his choiceſt inſtruments that helped him into the ſaddle; as Auguſtus ſerved his friend Cicero, and expoſed him to the malice and murder of Antony.

Innumerable are the examples of this kind, which evidence, that ſuch unworthy dealings are the effect of all ſtanding powers; and therefore more properly to be objected againſt them, than againſt the government of the people.

Thus having anſwered all, or the main objections, brought by the adverſaries of a free-ſtate; before we proceed to the errors of government, and rules of policy, it will not be amiſs, but very convenient, to ſay ſomething of that which indeed is the very foundation of all the reſt; to wit, "that the original of all juſt power and government is in the people."

THE ORIGINAL OF ALL JUST POWER is in the PEOPLE.

THOSE men that deny this poſition, are fain to run up as high as Noah and Adam, to gain a pretence for their opinion: alledging, That the primitive or firſt governments of the world were not inſtituted by the conſent and election of thoſe that were governed, but by an abſolute authority inveſted in the perſons governing. Thus they ſay our firſt parent ruled, by a plenary power and authority in himſelf only, as did alſo the patriarchs before and after the flood too, for ſome time, becoming princes by virtue of a paternal right over all the families of their own generation and extraction: ſo that the fathers, by reaſon of their extraordinary long lives, and the multiplicity of wives, happened to be lords of kingdoms or principalities of their own begetting.

And

And ſo ſome deriving the pedigree or government of this paternal right of ſovereignty, would by all means conclude, "That the original of government neither was nor ought to be in the people."

For anſwer to this, conſider, That magiſtracy or government is to be conſidered, as natural, or as political: naturally he was a true public magiſtrate or father of his country, who in thoſe patriarchal times ruled over his own children and their deſcendants. This form of government was only temporary, and took an end not long after the flood, when Nimrod changed it, and by force combining numbers of diſtinct families into one body, and ſubjecting them to his own regiment, did, by an arbitrary power, ſeated in his own will and ſword, conſtrain them to ſubmit unto what laws and conditions himſelf pleaſed to impoſe on them.

Thus the paternal form became changed into a tyrannical. Neither of theſe had (I confeſs) their original in or from the people, nor hath either of them any relation to that government which we intend in our poſition.

But ſecondly, There is a government political, not grounded in nature, nor upon paternal right by natural generation; but founded upon the free election, conſent or mutual compact of men entering into a form of civil

ſociety. This is the government we now ſpeak of, it having been in requeſt in moſt ages, and ſtill is: whereas the other was long ſince out of date, being uſed only in the firſt age of the world, as proper only for that time.

So that to prevent all objections of this nature, when we ſpeak here of government, we mean only the political, which is by conſent or compact; whoſe original we ſhall prove to be in the people. As for the government of the Iſraelites, firſt under Moſes, then Joſhua and the judges: the ſcripture plainly ſhews, that they were extraordinary governors, being of God's immediate inſtitution, who raiſed them up by his ſpirit, and impoſed them upon that people; whoſe peculiar happineſs it was in caſes of this nature, to have ſo infallible and ſure a direction; ſo that their government was a theocracy (as ſome have called it) having God himſelf for its only original: and therefore no wonder we have in that time and nation, ſo few viſible foot-ſteps of the people's election, or of an inſtitution by compact. But yet we find after the judges, when this people rejected this more immediate way of government by God, (as the Lord told Samuel, "They have not rejected thee but me") and deſired a government after the manner of other nations; then God ſeems to

forbear

forbear the uſe of his prerogative, and leave them to an exerciſe of their own natural rights and liberties, to make choice of a new government and governor by ſuffrage and compact.

The government they aimed at, was kingly: God himſelf was diſpleaſed at it, and ſo was Samuel too; who in hope to continue the old form, and to fright them from the new, tells them, what monſters in government kings would prove, by aſſuming unto themſelves an arbitrary power, (not that a king might lawfully and by right do what Samuel deſcribes, but only to ſhew how far kings would preſume to abuſe their power; which no doubt Samuel foreſaw, not only by reaſon, but by the ſpirit of prophecy.) Nevertheleſs the people would have a king; ſay they, "Nay, but there ſhall be a king over us:" whereupon ſaith God to Samuel, "Hearken to their voice." Where we plainly ſee; firſt, God gives them leave to uſe their own natural rights, in making choice of their own form of government; but then indeed, for the choice of their governor, there was one thing extraordinary, in that God appointed them one, he vouchſafing ſtill in an extraordinary and immediate manner to be their director and protector: but yet, though God was pleaſed to nominate the perſon, he left the confirmation and ratification of the

kingſhip unto the people; to ſhew, that naturally the right of all was in them, however the exerciſe of it were ſuperſeded at that time, by his divine pleaſure, as to the point of nomination: for, that the people might underſtand it was their right, Samuel calls them all to Mizpeh, as if the matter were all to be done anew on their part; and there by lot, they at length made choice of Saul, and ſo immediately by proclaiming him with ſhouts and acclamations: and then having had proof of his valour againſt the Amorites, they meet at Gilgal, and proclaim him king once again, to ſhew that (naturally) the validity of the kingſhip depended wholly upon the people's conſent and confirmation. And ſo you ſee the firſt and moſt eminent evidence of the inſtitution of political government in ſcripture doth notoriouſly demonſtrate, that its original is in or from the people; and therefore I ſhall wave any further inſtances in caſes of the like nature out of ſcripture, which are not a few. Only let it be remembered, that Peter in his Firſt Epiſtle, calls all government the ordinance of man, (in the original, "the creation of man," a creature of a man's making) to ſhew, that in all its forms it depends only upon the will and pleaſure of the people.

We might inſiſt farther to evince the truth

of

of this by ſtrength of reaſon; but let this ſerve to aſſert the right of the thing; and as for the reſt, every man will eaſily believe it very conſonant to reaſon, if he reflect upon the matter of fact, and conſider, that it hath been the unanimous practice of all the nations of the world, to aſſert their own rights of election and conſent (as often as they had opportunity) in the various turns of inſtitution and alteration of government. In Italy of old they had moſt free ſtates, and few princes; now all princes, and no free ſtates. Naples, after many revolutions, is under Spain, Rome under a pope, and under him one ſenator, inſtead of thoſe many that were wont to be; Venice and Genoa have ſenators and dukes, but the dukes are of ſmall power; Florence, Ferrara, Mantua, Parma, and Savoy, have no ſenators, but dukes only, and they abſolute; Burgundy, Lorrain, Gaſcony, and Brittany, had once kings, then dukes, but now are incorporated into France: ſo all the principalities of Germany that now are, were once imbodied in one entire regiment: Caſtile, Aragon, Portugal, and Barcelona, were once diſtinct kingdoms, but now united all to Spain, ſave Portugal, which fell off the other day; France was firſt one kingdom under Pharamond, afterwards parted into four kingdoms, and at laſt become one again:

England

England conſiſted of free-ſtates, till the Romans yoked it; afterwards it was divided into ſeven kingdoms, and in the end it became one again. Thus you ſee how the world is ſubject to ſhiftings of government: and though it be moſt true, that the power of the ſword hath been moſt prevalent in many of theſe changes, yet ſome of them have been chiefly managed, (as they ought) by the people's conſent; and even in thoſe where the ſword hath made way, the people's conſent hath ever been drawn and taken in afterwards, for corroboration of title; it having been the cuſtom of all uſurpers, to make their inveſtitures appear as juſt as they could, by getting the community's conſent *ex poſt facto*, and entering into ſome compact with them, for the better eſtabliſhing themſelves with a ſhew of legality; which act of all tyrants and uſurpers, is a manifeſt (though tacit) confeſſion of theirs, "That *de jure* the original of all power and government, is and ought to be in the PEOPLE."

ERRORS

ERRORS of GOVERNMENT;

AND

RULES of POLICY.

HAVING proved that the original of all juſt power and government is in the people; and that the government of the people, in a due and orderly ſucceſſion of their ſupreme aſſemblies, is much more excellent than any other form, I ſuppoſe it falls in of courſe, in the next place, to note, and obſerve thoſe common errors in policy, wherein moſt countries of the world, (eſpecially that part of it called Chriſtendom) have been long intangled; that when the myſtery of tyranny is undreſſed, and ſtript of all its gaudy robes, and gay appearances, it may be hiſſed out of the civil part of mankind into the company of the more barbarous and brutiſh nations.

One error in government, is a corrupt diviſion of

The firſt error that we ſhall obſerve in antient chriſtian policy, and which hath indeed been a main foundation of tyranny, is that

a ſtate into eccleſiaſtical and civil.

that corrupt diviſion of a ſtate into eccleſiaſtical and civil; a fault whereof our lateſt refiners of political diſcourſe are as guilty in their writings, as any others: but that there is the leaſt footſtep, in the ſcripture, for chriſtians to follow ſuch a diviſion of ſtate, or to allow of a national way of churching, which is the root of that diviſion, could never yet be proved by any; and the contrary is very clear from the drift and ſcope of the goſpel. We read, indeed, of the commonwealth of Iſrael being thus divided, and that it was done according to rules and conſtitutions of God's own appointment; it being God's way then, when he was pleaſed to make choice of that people only, out of all the world, to be his own peculiar, and ſo fixed his church there in a national form: Then it was confined and reſtrained to that particular nation, excluding all others. But if any man will argue from hence, that it is lawful for any nation now under the goſpel to follow this pattern; then it behoves him, 1. To prove, that God intended the Jewiſh government as a pattern for us to follow under the goſpel. And if any man will pretend to this, then in the ſecond place, it will concern him to prove, that we are to follow it in every particular, or only in ſome particulars. That we are to follow it in every one, no ſober man

did ever yet affirm: and if they will have us to follow it in ſome particulars, relinquiſhing the reſt, then it concerns him to produce ſome rule or command out of ſcripture, plainly pointing out what parts of it we are to embrace, and what not; or elſe he will never be able to make it appear, that the form of the commonwealth of Iſrael was ever intended, either in the whole, or in part, as a pattern for chriſtians to follow under the goſpel. But never was any ſuch rule alledged yet out of ſcripture by thoſe that pretend to a national church.

And therefore, if we ſeriouſly reflect upon the deſign of God, in ſending Chriſt into the world, we ſhall find it was to put an end to that pompous adminiſtration of the Jewiſh form; that as his church and people were formerly confined within the narrow pale of a particular nation, ſo now the pale ſhould be broken down, and all nations taken into the church: not all nations in a lump; nor any whole nations, or national bodies to be formed into churches; for his church or people, now under the goſpel, are not to be a body political, but ſpiritual, and myſtical: Not a promiſcuous confuſion of perſons, taken in at adventure; but an orderly collection, a picking and chuſing of ſuch as are called and ſanctified; and not a company of men forced

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in, by commands and conſtitutions of worldly powers and prudence; but of ſuch as are brought in by the power and efficacy of Chriſt's word and ſpirit: for he himſelf hath ſaid, "My kingdom is not of this world; it is not from hence, &c." and therefore, that hand which hitherto hath preſumed, in moſt nations, to erect a power, called eccleſiaſtic, in equipage with the civil, to bear ſway, and bind men's conſciences to retain notions, ordained for orthodox, upon civil penalties, under colour of prudence, good order, diſcipline, preventing of hereſy, advancing of Chriſt's kingdom; and to this end, hath twiſted the ſpiritual power (as they call it) with the worldly and ſecular intereſt of ſtate; this (I ſay) hath been the very right hand of Antichriſt, oppoſing Chriſt in his way: whoſe kingdom, government, governors, officers, and rulers; laws, ordinances, and ſtatutes, being not of this world, (I mean, *jure humano,*) depend not upon the helps and devices of worldly wiſdom.

Upon this ſcore and pretence, the infant myſtery of iniquity began to work in the very cradle of chriſtianity.

Afterwards it grew up by the indulgence of Conſtantine, and other chriſtian emperors, whom though God uſed in many good things for the ſuppreſſion of groſs heathen idolatry,

yet

yet (by God's permiſſion) they were carried away, and their eyes ſo far dazzled, through the glorious pretences of the prelates and biſhops, that they could not ſee the old ſerpent in a new form wrapt up in a myſtery; for Satan had a new game now to play, which he managed thus: Firſt, he led a great part of the world away with dangerous errors, thereby to find an occaſion for the prelates, to carry on the myſtery of their profeſſion; and ſo, under pretence of ſuppreſſing thoſe dangerous errors, they eaſily ſcrewed themſelves into the civil power: and for continuing of it the ſurer in their own hands, they made bold to baptize whole nations with the name of chriſtian, that they might (under the ſame pretence) gain a ſhare of power and authority with the magiſtrate in every nation; which they ſoon effected.

The infant being thus nurſed, grew up in a ſhort time to a perfect man, the man of ſin (if the pope be the man, which is yet controverted by ſome:) for, the prelates having gotten the power in their hands, began then to quarrel, who ſhould be the greateſt among them. At length he of Rome bore away the bell; and ſo the next ſtep was, that, from national churches, they proceed to have a mother-church of all nations. A fair progreſs and pitch, indeed, from a ſmall beginning;

ginning: And now being up, they defied all with bell, book, and candle, excommunicating and depoſing kings and emperors, and binding men's conſciences ſtill, under the firſt ſpecious pretence of ſuppreſſing hereſy, to believe only in their arbitrary dictates, traditions, and errors, which are the greateſt blaſphemies, errors, and hereſies, that ever were in the world. Now they were up, ſee what ado there was to get any part of them down again? What a quarter and commotion there was in Germany, when Luther firſt brake the ice? and the like here in England, when our firſt reformers began their work? Theſe men, in part, did well, but having baniſhed the pope's actual tyranny, they left the ſeed, and principle of it, ſtill behind, which was, a ſtate eccleſiaſtical united with the civil; for the biſhops twiſted their own intereſt again with that of the crown, upon a proteſtant account; and by virtue of that, perſecuted thoſe they called Puritans, for not being as orthodox (they ſaid) as themſelves.

To conclude, if it be conſidered, that moſt of the civil wars, and broils, throughout Europe, have been occaſioned, by permitting the ſettlement of clergy intereſt, with the ſecular, in national forms, and churches, it will doubtleſs be underſtood, that the diviſion of a ſtate

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into eccleſiaſtical and civil, muſt needs be one of the main errors in chriſtian policy.

A ſecond error which we ſhall note, and which is very frequent under all forms of government, is this; That care hath not been taken at all times, and upon all occaſions of alteration, to prevent the paſſage of tyranny out of one form into another, in all the nations of the world: for, it is moſt clear, by obſerving the affairs and actions of paſt-ages, and nations, that the intereſt of abſolute monarchy, and its inconveniences have been viſible and fatal under the other forms (where they have not been prevented) and given us an undeniable proof of this maxim, by experience in all times; That the intereſt of monarchy may reſide in the hands of many, as well as of a ſingle perſon.

The not preventing the paſſage of tyranny out of one form into another, is a main error of policy.

The intereſt of abſolute monarchy, we conceive to be an unlimited, uncontrolable, unaccountable ſtation of power and authority in the hands of a particular perſon, who governs only according to the dictates of his own will and pleaſure. And though it hath often been diſguiſed by ſophiſters in policy, ſo as it hath loſt its own name, by ſhifting forms; yet really, and effectually, the thing in itſelf hath been diſcovered under the artificial covers of every form, in the various revolutions of government: ſo that nothing

more concerns a people eſtabliſhed in a ſtate of freedom, than to be inſtructed in things of this nature, that the means of its preſervation being underſtood, and the ſubtle ſleight of old projectors brought into open view, they may become the more zealous to promote the one, and prevent the other, if any old game ſhould happen to be played over anew, by any ſucceeding generation.

It is very obſervable in Athens, that when they had laid aſide their king, the kingly power was retained ſtill in all the after-turns of government: for their decimal governors, and their thirty (commonly called the tyrants) were but a multiplied monarchy, the monarchal intereſt being held up as high as ever, in keeping the exerciſe of the ſupremacy out of the people's hands, and ſeating themſelves in an unaccountable ſtate of power and authority, which was ſomewhat a worſe condition, than the people were in before; for their kings had ſupervifors, and there were alſo ſenatic aſſemblies, that did reſtrain and correct them: but the new governors having none, ran into all the heats and fits, and wild extravagancies, of an unbounded prerogative: by which means, neceſſity and extremity opening the people's eyes, they, at length, ſaw all the inconveniences of kingſhip wrapt up in new forms, and rather increaſed, than diminiſhed;

ſo

ſo that (as the only remedy) they diſlodged the power out of thoſe hands, putting it into their own, and placing it in a conſtant orderly revolution of perſons elective by the community. And now being at this fair paſs, one would have thought there was no ſhelter for a monarchal intereſt, under a popular form too. But alas, they found the contrary; for, the people not keeping a ſtrict watch over themſelves, according to the rules of a free-ſtate; but being won by ſpecious pretences, and deluded by created neceſſities, to intruſt the management of affairs into ſome particular hands, ſuch an occaſion was given thereby to thoſe men to frame parties of their own, that by this means, they in a ſhort time became able to ſtand upon their own legs, and do what they liſt without the people's conſent: and in the end, not only diſcontinued, but utterly extirpated their ſucceſſive aſſemblies.

In Rome alſo, the caſe was the ſame under every alteration; and all occaſioned, by the crafty contrivances of grandiſing parties, and the people's own facility and negligence, in ſuffering themſelves to be deluded: for, with the Tarquins, (as it is obſerved by Livy, and others) only the name king was expelled, but not the thing; the power and intereſt of kingſhip was ſtill retained in the ſenate, and

ingroſſed by the conſuls: For, beſides the rape of Lucrece, among the other faults objected againſt Tarquin, this was moſt conſiderable, That he had acted all things after his own head, and diſcontinued conſultations with the ſenate, which was the very height of arbitrary power. But yet as ſoon as the ſenate was in the ſaddle, they forgat what was charged by themſelves upon Tarquin, and ran into the ſame error, by eſtabliſhing an arbitrary, hereditary, unaccountable power in themſelves, and their poſterity, not admitting the people (whoſe intereſt and liberty they had pleaded, into any ſhare in conſultation, or government, as they ought to have done, by a preſent erecting of their ſucceſſive aſſemblies: ſo that you ſee the ſame kingly intereſt, which was in one before, reſided then in the hands of many. Nor is it my obſervation only, but pointed out by Livy, in his ſecond book, as in many other places; *Cum à patribus, non conſules ſed carnifices*, &c. "When (ſaith he) the ſenators ſtrove to create, not conſuls, but executioners, and tormentors, to vex and tear the people, &c." And in another place of the ſame book, *Conſules, immoderatâ infinitâq; poteſtate, omnes metus legum*, &c. "The conſuls, having an immoderate and unlimited power, turned the terror of laws and puniſhments only upon the people,

people, themſelves (in the mean while) being accountable to none but to themſelves, and their confederates in the ſenate."

Then the conſular government being caſhiered, came on the Decemviri. *Cum conſulari imperio ac regio, ſine provocatione* (ſaith my author) "Being inveſted with a conſular and kingly power, without appeal to any other."

And in his third book he ſaith, *Decem regum ſpecies erat*: "It was a form of ten kings," the miſeries of the people being encreaſed ten times more than they were under kings, and conſuls. For remedy therefore, the ten were caſhiered alſo; and conſuls being reſtored, it was thought fit for the bridling of their power, to revive alſo the dictatorſhip (which was a temporary kingſhip, uſed only now and then upon occaſion of neceſſity) and alſo thoſe deputies of the people called tribunes, which one would have thought had been ſufficient bars againſt monarchic intereſt, eſpecially being aſſiſted by the people's ſucceſſive aſſemblies. But yet for all this, the people were cheated through their own neglect, and beſtowing too much confidence and truſt upon ſuch as they thought their friends: for when they ſwerved from the rules of a free-ſtate, by lengthening the dictatorſhip in any hand, then monarchic intereſt ſtept in there, as it did under Sylla, Cæſar, and others, long be-

fore it returned to a declared monarchal form; and when they lengthened commands in their armies, then it crept in there, as it did under the afore-named perſons, as well as Marius, Cinna, and others alſo; and even Pompey himſelf, not forgetting alſo the pranks of the two triumvirales, who all made a ſhift under every form, being ſometimes called conſuls, ſometimes dictators, and ſometimes tribunes of the people, to out-act all the flagitious enormities of an abſolute monarchy.

It is alſo evident in the ſtory of Florence, that that commonwealth, even when it ſeemed moſt free, could never quite ſhake off the intereſt of monarchy: for, it was ever the buſineſs of one upſtart, or other, either in the ſenate, or among the people, to make way to their own ambitious ends, and hoiſt themſelves into a kingly poſture through the people's favour, as we may ſee in the actions of Savanarola the monk, Soderino, and the Medices, whoſe family did (as we ſee at this day) fix itſelf at length in the ſtate of an abſolute monarchy, under the title of a dukedom. Nor can it be forgotten, how much of monarchy (of late) crept into the United Provinces.

Now the uſe that is to be made of this diſcourſe, is this, that ſince it is clear, the intereſt of monarchy may reſide in a conſul, as well as in a king; in a dictator, as well as in a con-

a conſul; in the hands of many, as well as of a ſingle perſon; and that its cuſtom hath been to lurk under every form, in the various turns of government; therefore as it concerns every people in a ſtate of freedom, to keep cloſe to the rules of a free-ſtate, for the turning out of monarchy (whether ſimple, or compound, both name and thing, in one or many) by which means only they will be enabled to avoid this ſecond error in policy; ſo they ought ever to have a reverent and noble reſpect of ſuch founders of free-ſtates, and common-wealths, as ſhall block up the way againſt monarchic tyranny, by declaring for the liberty of the people, as it conſiſts in a due and orderly ſucceſſion of authority, in their ſupreme aſſemblies.

A third error in policy, which ought eſpecially to be taken notice of, and prevented in a free-ſtate, hath been a keeping of the people ignorant of thoſe ways and means that are eſſentially neceſſary for the preſervation of their liberty; for, implicit faith, and blind obedience, hath hitherto paſſed current, and been equally preſſed and practiſed by grandees, both ſpiritual and temporal, upon the people; ſo that they have in all nations ſhared the authority between them. And though many quarrels have riſen in times paſt between kings, and their clergy, touching

A keeping the people in ignorance of the eſſential ways and means that are neceſſary for the people's liberty, is an error in a free-ſtate.

their ſeveral juriſdictions, yet the myſteries of domination have been ſtill kept under lock and key: ſo that their prerogative remained entire ever above the reach and knowledge of the people: by which means monarchs, and other ſtanding powers, have ſeen their own intereſt provided for, as well as the popes, in this myſterious maxim, "Ignorance is the mother of devotion."

But theſe things ought not to be ſo, among a people that have declared themſelves a free-ſtate: for, they ſhould not only know what freedom is, and have it repreſented in all its lively and lovely features, that they may grow zealous and jealous over it, but, that it may be a zeal according to knowledge and good purpoſe, it is without all queſtion, moſt neceſſary, that they be made acquainted, and thoroughly inſtructed in the means and rules of its preſervation, againſt the adulterous wiles and rapes of any projecting ſophiſters that may ariſe hereafter.

And doubtleſs, this endeavour of mine, in laying down the rules of preſerving a free-ſtate, will appear ſo much the more neceſſary, if we conſider, that all the inconveniences that in times have happened under this form, to embroil, or ruin it, have proceeded (as we have formerly proved) either from the people's neglect, or rather ignorance of thoſe

means

means and rules that ſhould be committed unto them, both for practice, and obſervation: having therefore made brief collections out of the monuments of this kind of learning, I ſhall here inſert them, that the people of every commonwealth, which mean to preſerve their freedom, may be informed how to ſteer their courſe, according to ſuch rules as have been put in practice heretofore by divers nations.

It hath been one rule in all free-ſtates, to abjure a toleration of kings, and kingly government.

Firſt, It hath been a cuſtom, not only to breed up all the young fry in principles of diſlike and enmity againſt kingly government; but alſo to cauſe all that were capable of ſwearing, to enter into an oath of abjuration, to abjure a toleration of kings, and kingly power, in time to come.

Thus Brutus bound the Romans by an oath againſt kings, "That they ſhould never ſuffer any man again to reign at Rome."

Thus the Hollanders preſerved themſelves alſo, entering into an oath of abjuration, not only againſt king Philip and his family, but all kings for ever.

And Brutus, to make ſure work, did not only do this, but divided the royal revenues among the people; which was a good way to make them reſolute to extremity, knowing, That if ever any king came in play again, he would take all away again by virtue of his

prerogative

prerogative and crown. He brake alſo all the images and ſtatues of the Tarquins, and he levelled their houſes with the ground, that they might not remain as temptations to any ambitious ſpirits. Suitable to this policy, was that of Henry VIII. who when he diſpoſed of the revenues of abbies, demoliſhed alſo the building; ſaying, "Deſtroy the neſts, and the rooks will ne'er return again." Which, queſtionleſs, was a moſt ſure way, both in him, and Brutus, to be imitated, or neglected, as there may be occaſion: but they thought, in a caſe of this nature, that the convenience in keeping them, could not countervail the danger.

It hath been a rule in all free-ſtates, not to ſuffer particular perſons to grandiſe more than ordinary.

Secondly, It hath been uſual not to ſuffer particular perſons to grandiſe, or greaten themſelves more than ordinary; for, that by the Romans was called, *affectatio regni*, "an aſpiring to kingſhip:" Which being obſerved in Mælius and Manlius, two noble Romans, that had deſerved highly of the ſtate, yet their paſt merits and ſervices could not exempt them from the juſt anger of the people, who made them examples to poſterity: yea, the name of the latter, (though Livy calls him an incomparable man, had he not lived in a free ſtate,) was ever after diſowned by his whole family, that famous family of the Manlii, and both the name and memory of him, and of his

conſulſhip,

conſulſhip, was razed out of all public records, by decree of the ſenate.

The not keeping cloſe to this rule, had of late like to have coſt the Low Countries, the loſs of their liberty; for the wealth of the houſe of Orange, grown up to exceſs, and permitting the laſt man to match into a kingly family, put other thoughts and deſigns into his head, than beſeemed a member of a free-ſtate; which, had he not been prevented, by the providence of God, and a dark night, might, in all probability, have reduced them under the yoke of kingly power.

A third rule in policy, not to permit a continuation of command and power in the hands of particular perſons and families.

Thirdly, Eſpecial care hath been taken, *non diurnare imperia*, "not to permit a continuation of command and authority, in the hands of particular perſons, or families." This point we have been very large in. The Romans had a notable care herein, till they grew corrupt. Livy in his fourth book, ſaith, *Libertatis magna cuſtodia eſt, ſi magna imperia eſſe non ſinas, & temporis modus imponatur:* "It is a grand preſervative of liberty, if you do not permit great powers and commands to continue long; and if ſo be you limit, in point of time." To this purpoſe they had a law, called the Emilian Law, to reſtrain them; as we find in the ninth book, where he brings in a noble Roman, ſaying thus:

Hoc

Hoc quidem regno ſimile eſt; "And this, indeed, is like a kingſhip, that I alone ſhould bear this great office of the cenſorſhip, *triennium & ſex menſes*, three years and ſix months, contrary to the Emilian Law." In his third book alſo, he ſpeaks of it, as of a monſtrous buſineſs, That the ides of May were come (which was the time of their year's choice) and yet no new election appointed: *Id-veró regnum haud dubie videre, deploratur in perpetuum libertas*: "It without doubt ſeems no other than a kingdom, and liberty is utterly loſt for ever." It was treaſon for any man to hold that high office of the dictatorſhip in his own hand, beyond ſix months. He that would ſee notable ſtuff to this purpoſe, let him read Cicero's Epiſtles to Atticus, concerning Cæſar. The care of that people, in this particular, appeared alſo, that they would not permit any man to bear the ſame office twice together.

This was obſerved likewiſe (as Ariſtotle tells us) in all the free-ſtates of Greece.

And in Rome we find Cincinnatus, one of the brave Roman generals, making a ſpeech unto the people, to perſuade them, to let him lay down his command. Now the time was come, though the enemy was almoſt at their gates, and never more need, than at that time, of his valour and prudence, as the

people

people told him; but no perſuaſion would ſerve the turn; reſign he would, telling them, "There would be more danger to the ſtate, "in prolonging his power, than from the "enemy, ſince it might prove a precedent "moſt pernicious to the Roman freedom." Such another ſpeech was made by M. Rutilius Cenſorinus to the people, when they forced him to undergo the office of cenſor twice together, contrary to the intent and practice of their anceſtors; yet he accepted it: but (as Plutarch tells us) upon this condition; "That a law might paſs againſt the "title in that, and other officers, leſt it "ſhould be drawn into precedent in time to "come." Thus the people dealt alſo with their own tribunes, the law being, "That none of them ſhould be continued two years together." So tender were the Romans, in this particular, as one principal rule and means, for the preſervation of their liberty.

Not to let two of one family bear offices of truſt at one time.

A fourth rule, Not to let two of one family to bear offices of high truſt at one time, nor to permit a continuation of great powers in any one family. The former uſually brings on the latter: and if the latter be prevented, there is the leſs danger in the former: but however, both are to be avoided. The reaſon is evident, becauſe a permiſſion of them gives a particular family

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an opportunity, to bring their own private intereſt into competition with that of the public: from whence preſently enſues this grand inconvenience in ſtate, the affairs of the Commonwealth will be made ſubſervient to the ends of a few perſons; no corn ſhall be meaſured, but in their buſhel; nor any materials be allowed for the public work, unleſs they ſquare well with the building of a private intereſt, or family. This therefore was a principal point of ſtate among the Romans, *Ne duo vel plures ex unâ familiâ magnos magiſtratus gerant eodem tempore*; "Let not two or more, of one family, bear great offices at the ſame time." And a little after it follows, *Ne magna imperia ab unâ familiâ preſcribantur*; "Let not great commands be preſcribed, or continued by one family."

That little liberty which was left to the Romans, after that fatal ſtab given to Cæſar in the ſenate-houſe, might have been preſerved, had they prevented his kinſman Octavius from ſucceeding him in the poſſeſſion of an extraordinary power. The effecting whereof was Cicero's work, and, indeed, his principal error: as he often afterwards acknowledged; which may ſerve to ſhew, "That the wiſeſt man may be ſometimes miſtaken:" for he brought the other into play; whereas had he quitted his ſpleen, and

conſulted his brain, he muſt queſtionleſs have ſeen, that a ſiding with Antony had been more convenient, than with the other; who being once admitted into power, ſoon drew the parties and intereſts of his uncle Julius to become his own; and with a wet finger, not only caſt off his friend Cicero, but contrived the ruin of the republic, and him, both together.

The Florentine family of the Medices, who hold an abſolute command at this day, made themſelves, by continuing power in their hands, in a ſhort time ſo conſiderable, that they durſt openly bid defiance to public liberty, which might have continued much longer, had not Caſinus been ſo eaſily admitted to ſucceed his couſin Alexander.

It is obſervable alſo, of the ſame family, that one of them being pope, they then hatched deſigns upon ſeveral parts of Italy, not doubting but to carry them by favour of the pope their kinſman: but he dying before their ends were effected, they then made a party in the conclave, for the creating of Julian de Medicis, who was brother to the former pope; and had like to have carried it, till Pompeius Columba ſtood up, and ſhewed them how dangerous and prejudicial it muſt of neceſſity prove to the liberties of Italy, that the popedom ſhould be continued in one

houſe,

houſe, in the hands of two brothers, one after another.

What effects the continuation of power in the family of Orange, hath had in the United Provinces, is every man's obſervation; and that nation ſufficiently felt, long before the project came to maturity, in this laſt man's days; and had he left a ſon of ſufficient years behind him, to have ſtept immediately into his place, perhaps the deſign might have gone on: but certainly that people have wiſely improved their opportunity, (the cockatrice being not fledged) in reducing that family into a temper more ſuitable to a ſtate and intereſt of liberty.

What made the ancient Roman ſenate, in a ſhort time, ſo intolerable to that people, but becauſe they carried all by families? as the ſenate of Venice doth now at this day: where, if the conſtitution were otherwiſe, the people would then (perhaps) be much more ſenſible what it is to be in a "ſtate of freedom."

The majeſty and authority of the ſuffrages, or votes of the ſupreme aſſembly to be kept intire.

Fifthly, It hath been uſual in free-ſtates, to hold up the majeſty and authority of their ſuffrages, or votes, intire in their ſenators, or ſupreme aſſemblies: for if this were not looked to, and ſecured from control, or influence of any other power, then *actum erat de libertate*; "Liberty and authority became loſt for ever." So long as the Roman people kept

up

up their credit and authority, as ſacred, in their tribunes, and ſupreme aſſemblies, ſo long they continued really free: but when by their own neglect, they gave Sylla, and his party, in the ſenate, an opportunity of power to curb them, then their ſuffrages (once eſteemed as ſacred) were trodden under foot; for immediately after, they came to debate and act but by courteſy, the authority left being by Sylla, after the expiration of his dictatorſhip, in the hands of the ſtanding ſenate, ſo that it could never after be regained by the people. Nor did the ſenate themſelves keep it long in their own hands: for when Cæſar marched to Rome, he deprived them alſo of the authority of their ſuffrages; only in a formal way made uſe of them, and ſo under a ſhadow of legality, he aſſumed that power unto himſelf, which they durſt not deny him.

Juſt in the ſame manner dealt Coſmus with the Florentine ſenate: he made uſe of their ſuffrages, but he had ſo played his cards before-hand, that they durſt not but yield to his ambition. So alſo Tiberius, when he endeavoured to ſettle himſelf, firſt brought the ſuffrages of the ſenate at his own devotion, that they durſt not but conſent to his eſtabliſhment; and then ſo ordered the matter, that he might ſeem to do nothing, not only

without their conſent; but to be forced to accept the empire, by their intreaty: ſo that you ſee there was an empire in effect, long before it was declared in formality.

From hence, therefore, we may clearly deduce the neceſſity of this rule in a free-ſtate, from the practice of times paſt, that no ſtate can prefer its freedom, but by maintaining the free ſuffrage of the people in full vigour, untainted with the influence, or mixture, of any commanding power.

The people are to be continually trained up in the exerciſe of arms, and the militia lodged in the hands of thoſe that are firm to the intereſt of the nation.

A ſixth rule in practice hath been this; To ſee, that the people be continually trained up in the exerciſe of arms, and the militia lodged only in the people's hands; or that part of them, which are moſt firm to the intereſt of liberty, that ſo the power may reſt fully in the diſpoſition of their ſupreme aſſemblies. The happy conſequence whereof, was ever to this purpoſe:

That nothing could at any time be impoſed upon the people, but by their conſent; that is, by the conſent of themſelves; or of ſuch as were by them intruſted: this was a rule moſt ſtrictly practiſed in all the free-ſtates of Greece: for, as Ariſtotle tells us, in his fourth book of Politics, they ever had ſpecial care to place the uſe and exerciſe of arms in the people: becauſe (ſay they) the Commonwealth is theirs who held the arms.

The

The ſword, and ſovereignty, ever walk hand in hand together. The Romans were very curious in this particular: after they had gained a plenary poſſeſſion of liberty in their tribunes, and ſucceſſive aſſemblies, Rome itſelf, and the territories about it, was trained up perpetually in arms, and the whole commonweal, by this means became one formal militia. A general exerciſe of the beſt part of the people in the uſe of arms, was the only bulwark of their liberty: this was reckoned the ſureſt way to preſerve it both at home, and abroad; the majeſty of the people being ſecured thereby, as well againſt domeſtic affronts from any of their own citizens, as againſt the foreign invaſions of bad neighbours.

Their arms were never lodged in the hands of any, but ſuch as had an intereſt in the public; ſuch as were acted by that intereſt, not drawn only by pay; ſuch as thought themſelves well paid, in repelling invaders, that they might with freedom return to their affairs: for, the truth is, ſo long as Rome acted by the pure principles of a free-ſtate, it uſed no arms to defend itſelf, but, ſuch as we call, ſufficient men; ſuch, as for the moſt part were men of eſtate, maſters of families, that took arms (only upon occaſion) *pro aris et focis*, for their wives, their children, and their country. In thoſe days there was no

difference, in order, between the citizen, the husbandman, and the soldier: for, he that was a citizen, or villager yesterday, became a soldier the next, if the "public liberty" required it; and that being secured, by repelling of invaders, both foreign and domestic, immediately the soldier became citizen again: so that the first and best brave Roman generals, and soldiers, came from the plough, and returned thither when the work was over.

This was the usual course even before they had gained their tribunes and assemblies; that is, in the infancy of the senate, immediately after the expulsion of their kings: for, then even in the senatic assembly, there were some sparks of liberty in being, and they took this course to maintain it.

The Tarquins being driven out, but having a party left still within, that attempted to make several invasions, with confidence to carry all before them: and yet in the intervals, we find not any form of soldiery; only the militia was lodged and exercised in the hands of that party, which was firm to the "interest of freedom," who upon all occasions, drew forth at a nod of the senate, with little charge to the public, and so rescued themselves out of the claws of kingly tyranny.

Nor

Nor do we find in after-times, that they permitted a depoſition of the arms of the Commonwealth in any other way, till that their empire increaſing, neceſſity conſtrained them to erect a continued ſtipendiary ſoldiery (abroad in foreign parts) either for the holding, or winning of provinces. Then luxury increaſing with dominion, the ſtrict rule and diſcipline of freedom was ſoon quitted; forces were kept up at home, (but what the conſequences were, ſtories will tell you) as well as in the provinces abroad.

The ambition of Cinna, the horrid tyranny of Sylla, the inſolence of Marius, and the ſelf-ends of divers other leaders, both before, and after them, filled all Italy with tragedies, and the world with wonder: ſo that in the end, the people ſeeing what miſery they had brought on themſelves, by keeping their armies within the bowels of Italy, paſſed a law to prevent it, and to employ them abroad, or at a convenient diſtance: the law was, "That if any general marched over "the river of Rubicon, he ſhould be de-"clared a public enemy."

And in the paſſage of that river, this following inſcription was erected, to put the men of arms in mind of their duty: *Imperator, ſive miles, ſive tyrannus armatus quiſquis, ſiſtito vexillum, armaq; deponito, nec citra*

hunc amnem trajicito: "General, or ſoldier, or tyrant in arms, whoſoever thou be, ſtand, quit thy ſtandard, and lay aſide thy arms, or elſe croſs not this river."

For this cauſe it was, that when Cæſar had preſumed once to march over this river, he conceived himſelf ſo far engaged, that there was no retreat; no game next, but have at all, advanceth to Rome itſelf, into a poſſeſſion of the empire.

By this means it was, the Commonwealth having loſt its arms, loſt itſelf too, the power being reduced both effectually and formally into the hands of a ſingle perſon, and his dependants, who, ever after, kept the arms out of the hands of the people.

Then followed the erecting of a Prætorian Band, inſtead of a public militia, he being followed herein by Auguſtus, and the reſt of his ſucceſſors, imitated of latter times by the grand ſeignor; by Coſmus the firſt great duke of Tuſcany; by the Muſcovite, the Ruſſian, the Tartar, and the French, who by that means are all abſolute; and it was ſtrongly endeavoured here too in England by the late king *, who firſt attempted it by a deſign of introducing foreigners, viz. the German horſe, and afterwards by corrupting of the natives; as when he laboured the army in the North, in their return to rifle the parliament,

* Charles I.

ment, neglected train-bands; and at length, flew out himself into open arms against the nation.

So that you see, the way of freedom hath been to lodge the arms of a common-weal, in the hands of that part of the people, which are firm to its establishment.

Children educated and instructed in the principles of freedom.

Seventhly, that children should be educated and instructed in the principles of freedom. Aristotle speaks plainly to this purpose, saying; "That the institution of youth, should "be accommodated to that form of govern-"ment, under which they live; forasmuch, "as it makes exceedingly for preservation of "the present government, whatsoever it be." The reason of it appears in this; Because all the tinctures and impression that men receive in their youth, they retain in the full age, though never so bad, unless they happen (which is very rare) to quell the corrupt principles of education, by an excellency of reason, and sound judgment.

And for confirmation of this, we might cite the various testimonies of Plutarch, Isocrates, with many more, both philosophers, orators, and others, that have treated of this particular, touching the education of children, as it relates either to domestic, or civil government: But we shall take it for granted, without more ado, supposing none

will deny, of what effect it is, in all the concernments of mankind, either in converſation, or in action.

The neceſſity of this point, appears from hence, as well as the reaſon, That if care be not taken to temper the youth of a Commonwealth with principles and humours ſuitable to that form, no ſure ſettlement, or peace, can ever be expected: for ſchools, academies, with all other ſeed-plots, and ſeminaries of youth, will otherwiſe be but ſo many nurſeries of rebellion, public enemies, and unnatural monſters that will tear the bowels of their mother country: and this neglect, if it follow an alteration of government, after a civil war, is ſo much the more dangerous; becauſe, as long as youngſters are nurſled up in the old ways and rudiments, by the old ill-affected pædagogues, there will ever be a hankering after the old government, which muſt ever be in a fair probability of return, when new generations ſhall be catechiſed into old tenets and affections, contrary to the eſtabliſhment of a free-ſtate; that being taken for the declared intereſt of this nation. Therefore, the conſequence of ſuch neglect is clearly this, That the enmity will be immortal, a ſettlement impoſſible: there muſt be a perpetual diſpoſition to civil war, inſtead of civil ſociety.

Upon

Upon this account it was, that in Plutarch and Iſocrates, we find ſo many good teſtimonies of the great care that was had amongſt all the free-ſtates of Greece in this particular, which tyed up their pædagogues and teachers to certain rules; and ſelected certain authors to be read only, as claſſical, for the inſtitution of their youth: and, that it was ſo in the days of Julius Cæſar, even in that barbarous country of Gallia, appears by Cæſar's own Commentaries, who tells, how that it was the main office of thoſe famous men amongſt them called Druides, to breed up their youth not only in religion, but alſo to inſtruct them in the nature of a Commonwealth, and mould them with principles anſwerable to the government.

If we reflect upon the two grand turns of ſtate in Rome, the firſt, from a monarchy, to a free-ſtate; and then from a free-ſtate, to a monarchy again; they miniſter matter of notable obſervation in this particular.

In the firſt, we find how difficult it was for the Romans to preſerve their freedom when they had gotten it, becauſe moſt of the youth had been educated in monarchical principles, and ſuch tutors were ever inclining that way upon the leaſt opportunity: ſo that the ſons even of Brutus himſelf, (who was the founder of their liberty) quitted that

natural

natural affection which they owed unto their father and country; and being ſwayed by the monarchic principles of corrupt education, drew in a great part of the Roman youth, (like themſelves,) to join with them in a deſign for the bringing back of the Tarquins to the kingdom.

It is very obſervable alſo, what ado that Commonwealth had to ſettle, ſo long as any of the old ſtock of education were living, becauſe thoſe corrupt points of diſcipline and government, wherewith they were ſeaſoned when young, could not be worn out with age; but hurried many of them along with the ſtorm of every inſurrection and invaſion of the public enemy.

On the other ſide, in the turn of a free-ſtate, to a monarchy again, we ſee with what difficulty Cæſar met, in ſettling his own domination over a people that had been educated in a free-ſtate, and in principles of freedom; inſomuch, that in the end it coſt him his life, being ſtabbed for his uſurpation by a combination of ſome of the ſenators, and the fact applauded not only by the people, but by Cicero, and all the Roman writers, and others that had been bred up under the form of freedom.

And afterwards, when Auguſtus took upon him the inheritance and title of his uncle Cæſar,

Cæſar, he did it, *lento pede*, very ſlowly and warily, for fear of conjuring up the ſame ſpirit in the people, that had flown into revenge againſt his uncle, for his rape upon their liberty.

And it is noted by Tacitus, that among the other advantages that Auguſtus had for his eſtabliſhment, there was this: That he never declared himſelf, till, after many delays and ſhifts, for the continuation of power in his own hands, he got inſenſibly into the throne, when the old men were moſt of them dead, and the young generation grown up, having been pretty well educated and inured to his lordly domination. The words of Tacitus are theſe: " All (ſaith he) was quiet in the city, the old names of the magiſtrates remained unchanged; the young men were all born after Auguſtus his victory at Actium: and the greateſt part of the old men, during the civil wars: when the free-ſtate was imbroiled and uſurpt (in effect, though retained ſtill in name by powerful and ambitious perſons) ſo that when he aſſumed and owned the empire, there was not one man living, that had ſo much as ſeen the ancient form of government of a free-ſtate; which indeed facilitated his deſign very much, the generation then living, being by his artifice and power, bred

up

up to his own monarchy-intereſt and devotion."

We might be larger, but this is enough, to ſhew of what conſequence the careful education of youth, is, in the conſtitution of government: and therefore, without doubt, it is one eſſential point to be obſerved in the eſtabliſhment of a free-ſtate, that all ways and means be uſed for their ſeaſoning and inſtruction in the principles of freedom.

Cautions for the people to obſerve.

The eighth rule, is, that which more eſpecially relates unto the people themſelves in point of behaviour, viz. That being once poſſeſſed of liberty, they ought to uſe it with moderation, leſt it turn to licentiouſneſs; which, as it is a tyranny itſelf, ſo in the end it uſually occaſions the corruption and converſion of a free-ſtate into monarchical tyranny: and therefore (by way of prevention) it is neceſſary to ſet down a few cautions.

The people are not to uſe the utmoſt remedy in all caſes of male-adminiſtration.

Firſt, That in a free-ſtate, it is above all things neceſſary to avoid civil diſſenſion; and to remember this, That the uttermoſt remedy is not to be uſed upon every diſtemper or default of thoſe that ſhall be intruſted with the people's power and authority: for, if one inconvenience happen in government, the correction, or curing of it by violence, introduceth a thouſand: and for a man to think civil war, or the ſword, is a way to be ordinarily

ordinarily uſed for the recovery of a ſick-ſtate, it were as great a madneſs, as to give ſtrong waters in a high fever: or as if he ſhould let himſelf blood in the heart, to cure the aking of his head.

And therefore, ſeeing that enormity of tumult, diſſenſion, and ſedition, is the main that hath been objected by tyrants, and their creatures, againſt the people's government, the only expedient to confute it is, That thoſe people, that are or ſhall be ſettled, in a ſtate of freedom, do (upon all occaſions) give them the lie, by a diſcreet and moderate behaviour in all their proceedings, and a due reverence of ſuch as they have once elected, and made their ſuperiors.

And as this is moſt requiſite on the one ſide; ſo on the other ſide, if there be juſt (but they muſt be ſure it be juſt) cauſe to uſe ſharp and quick remedies, for the cure of a Common-wealth, then (ſeeing all majeſty and authority is really and fundamentally in the people, and but miniſterially in their truſtees, or repreſentatives) it concerns the people by all means to ſee to the cure.

And that is, in a word, in ſuch caſes only, as appear to be manifeſt intrenchments (either in deſign, or in being) by men of power, upon the fundamentals, or eſſentials, of their liberty, without which, liberty cannot conſiſt.

What thoſe eſſentials are, may be collected out of the paſt-diſcourſe; the ſenſe of all ſhall be illuſtrated by one inſtance.

It is that famous contention which laſted for three hundred years in Rome betwixt the ſenate and the people, about the dividing of ſuch lands as were conquered and taken from the enemy.

The ſenators, they ſharing the lands amongſt themſelves, allowed little, or none, unto the people; which gave ſuch diſcontents, that the people made a law to curb them; enacting, That no ſenator ſhould poſſeſs above 500 acres of land.

The ſenators cried, it was againſt their liberty, thus to be abridged by the people: and the people cried, it was inconſiſtent with liberty, that the ſenators ſhould thus greaten themſelves by an ingroſſment of wealth and power into their own hands. Livy ſaith, "The people in this, ſaid right, and the ſenators did wrong: but that they both did ill, in making it a ground of civil diſſenſion;" for, in proceſs of time, when the Gracchi, who were ſuppoſed great patrons of liberty, took upon them to ſide with the people, they did, inſtead of finding out ſome moderate ways and expedients to reduce the ſenators to reaſon, proceed with ſuch heat and violence, that the ſenate being jealous of their own

ſafety,

ſafety, were forced to chuſe Sylla for their general: which being obſerved by the people, they alſo raiſed an army, and made Marius their general: ſo that here you ſee it came to a down-right civil war.

The occaſion, indeed, was given by the ſenators; (for, there was no reaſon they ſhould grandiſe themſelves in ſo groſs a manner as they did) but yet the occaſion ought not to have been ſo taken, and proſecuted with ſuch violence as it was by the people: for ſeeing more temperate ways had been practiſed by their anceſtors, and might have been found out again, to curb the ambition of their nobility in the ſenate: therefore, the people ought, firſt, to have tried thoſe ways again, and have uſed all other means to have brought things about, rather than by a miſguided heat and violence to ruſh into arms; which as it is the moſt deſperate remedy, ſo it ought never to be uſed, but when all other courſes have been tried in vain, and when the public liberty is really concerned by an imminent danger, or invincible neceſſiy: for, this quarrel, which queſtionleſs might have been compoſed, was, through indiſcretion, made the ground of ſo bloody a civil war, that what through fines, baniſhment, inhuman cruelties, acted on both ſides, defeats in the open

field,

field, and maſſacres within the city, it coſt the beſt blood and eſtates of the nobility and commons; and in the end, it coſt them alſo their liberty.

In what caſe the Romans uſed the utmoſt remedy.

For it is worthy obſervation, that out of the root of this civil war, ſprang that noble one, which was managed between Pompey and Cæſar, and which will ſerve to illuſtrate the other part of our diſcourſe, in ſhewing, when it is that the people may make uſe of the utmoſt remedy; that is, in caſe of an intrenchment, manifeſtly deſigned and acted upon the public liberty. For Cæſar having given manifeſt cauſe of ſuſpicion to the ſenate and people, by his acting amongſt his ſoldiers; and then by a down-right march with them over Rubicon towards Rome, (which was treaſon by the law) this was a plain uſurpation, and drew an invincible neceſſity, upon the people, and ſenate, to arm for their liberty, and commence a civil war under the conduct of Pompey; ſo that this laſt war was neceſſary as the other was needleſs, if they could have kept within the bounds of prudence and moderation.

We have a very notable inſtance alſo in our own nation, which may ſerve for a juſt example to all the world in point of behaviour. If we run over the catalogue of the late king's * defaults in government, we find extraordinary

* Charles I.

extraordinary patience in the people, notwithſtanding his extraordinary incroachments from time to time. It were needleſs to reckon up the ſeveral monopolies, impoſitions, and other oppreſſions of the people, both in ſoul and body; which are made public and known to all the world; together with that higheſt of all practices, not only in diſſolving parliaments abruptly, but profeſſedly deſigning the ruin of parliaments, in depriving the people of their due ſucceſſion. Yet notwithſtanding all this, that deſperate remedy of the ſword was forborne, until invincible neceſſity did put it into their hands, for the preſervation of themſelves, with their rights and liberties.

And ſo by theſe examples, any people in a ſtate of freedom, may be ſufficiently inſtructed how to demean themſelves, for the avoiding of licentiouſneſs, tumult, and civil diſſenſion, which are the principal inconveniences charged by royaliſts, upon free-ſtates and commonwealths: from hence, alſo, may be obſerved all the neceſſary points of prudence, and forbearance, which ought to take place in reſpect of ſuperiors, till it ſhall evidently appear unto a people, " that " there is a deſign on foot to ſurprize and " ſeize their liberties."

A ſecond caution, is, in relation to their elective power, that in all elections of magiſtrates, they have an eſpecial eye upon the public, in making choice of ſuch perſons only, as have appeared moſt eminent, and active, in the eſtabliſhment and love of freedom.

In ſuch hands the guardianſhip of Liberty may be ſafely placed, becauſe ſuch men have made the public intereſt, and their own, all one; and therefore will neither betray, nor deſert it, in proſperity or adverſity; whereas men of another qualification and temper, if they get into authority, care not to ſerve the public any further, than the public ſerves them, and will draw off and on as they find their opportunity: yea, and take this for a certain rule, that if any perſon be admitted into power, that loves not the commonwealth, above all other conſiderations, ſuch a man is (as we ſay) every man's money; any ſtate-merchant may have him for a factor: and for good conſideration, he will often make returns upon the public intereſt, have a ſtock going in every party, and with men of every opinion, and (if occaſion ſerve) truck with the common enemy, and commonwealth, both together.

But that you may ſee, I do not ſpeak without book, it is Ariſtotle's opinion, as well

as mine; who ſaith, in the firſt of his Politics, being thus tranſlated, *Per negligentiam mutatur ſtatus reipublicæ, cum ad poteſtates aſſumuntur illi qui præſentem ſtatum non amant:* "The form of a commonwealth is then altered "by negligence, when thoſe men are taken "into power, which do not love the preſent "eſtabliſhment." It is not only a way to preſerve a commonwealth, to avoid thoſe that hate it, but thoſe alſo are as much to be avoided, that do not love it; that is, who are not earneſtly wedded to it by an inward active principle of affection: and the reaſon is very evident, becauſe their affections being of an indifferent nature, remain ready to run out into any form, intereſt, or party, that offers itſelf upon the leaſt alteration or temptation whatſoever. For this, we might give you inſtances enough, and too much; but waving them it may ſuffice, that moſt of the broils, tumults, and civil diſſenſions, that ever happened in free-ſtates, have been occaſioned by the ambitious, treacherous, and indirect practices of ſuch perſons admitted into power, as have not been firm in their hearts to the intereſt of Liberty.

The truth of this is (omitting many others) to be ſeen in the Roman ſtate, after its liberty was fully ſettled in a ſucceſſion of the people's ſupreme aſſemblies.

For the nobility in the ſenate, being men of another intereſt (however they pretended) and, ſometimes by cunning, ſometimes by corrupting, getting truſt from the people, did by combination and compliance with their fellow ſenators, ſo garble, perplex, and turmoil the people's affairs, concernments, and underſtandings, that at length, what they could never have done by force, as oppoſites, they effected by fraud, as friends, to deprive the people of a quiet and comfortable enjoyment of their freedom.

Faction, alliance, and affection is to be avoided in all elections.

A third caution is, That in all their elections of any into the ſupreme court, or councils, they be not led by any bent of faction, alliance, or affection, and that none be taken in, but purely upon the account of merit.

The former courſe hath ever been the occaſion of diſcontents, ſidings, and parties.

The latter ſtops the mouths of men, that perhaps are contrary-minded, and draws the conſent and approbation of all the world, when they ſee men put in authority, that have a clear reputation of tranſcendent honeſty and wiſdom.

A fourth caution, is, That as it is the ſecret of Liberty, that all magiſtrates, and public officers, be kept in an accountable ſtate, liable to render an account of their behaviour and actions; and alſo, that the people have freedom

freedom to accuſe whom they pleaſe: ſo on the other ſide, it concerns them, above all things, to avoid falſe charges, accuſations, calumniations againſt perſons in authority, which are the greateſt abuſes and blemiſhes of Liberty, and have been the moſt frequent cauſes of tumult and diſſenſion.

The people are to avoid all falſe charges againſt perſons in authority.

The baniſhment, called Oſtraciſm, among the Athenians, was inſtituted (at firſt) upon a juſt and noble ground: ſo was that called Petaliſm, among the Lacedemonians, to turn ſuch out of the commonwealth, who had rendered themſelves ſuſpected againſt the common liberty: but yet the abuſe of it afterwards proved moſt pernicious, to the embroiling of thoſe ſtates with civil diſſenſion, when it was perverted by ſome petulant ſpirits, to an oppoſition of ſome few (and but few) of their beſt deſerving citizens.

The Romans alſo, in their ſtate of liberty, retained this freedom alſo, of keeping all perſons accountable, and accuſing whom they pleaſed; but then they were very cautious alſo, to retain that decree of the ſenate, called, Turpilianum, in full force and virtue, whereby a ſevere fine was ſet on the heads of all calumniators, and falſe accuſers.

The due obſervation of this rule preſerved that ſtate a long time from uſurpation by men in power on the one ſide, and from popular

popular clamour and tumults on the other ſide.

As the people are to avoid ingratitude, ſo likewiſe to have a care not to intruſt any particular perſons with an unlimited power.

A fifth caution is, That, as by all means they ſhould beware of ingratitude, and unhandſome returns, to ſuch as have done eminent ſervices for the commonwealth; ſo it concerns them, for the public peace and ſecurity, not to impoſe a truſt in the hands of any perſon or perſons, further than as they may take it back again at pleaſure.

The reaſon is, becauſe (as the Proverb ſaith) *honores mutant mores*; "Honours change "men's manners;" acceſſions, and continuations of power and greatneſs, expoſe the mind to temptations: they are ſails too big for any bulk of mortality to ſteer an even courſe by.

The kingdoms of the world, and the glories of them, are baits that ſeldom fail when the Tempter goes a-fiſhing: and none but He that was more than man, could have refuſed them. How many free-ſtates and commonwealths have paid dear for their experience in this particular? who by truſting their own ſervants too far, have been forced, in the end, to receive them for their maſters. Nor is it to be wondered at by any, conſidering that immoderate power ſoon lets in high and ambitious thoughts; and where they are once admitted, no deſign

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ſo abſurd, or contrary to a man's principles, but he ruſheth into it, without the leaſt remorſe or conſideration: for the ſpirit of ambition is a ſpirit of giddineſs; it foxes men that receive it, and makes them more drunk than the ſpirit of wine.

So that were they never ſo wiſe, juſt and honeſt before, they afterwards become the contrary, mere ſots, *non compos mentis*, being hurried on without fear or wit, in all their undertakings: and therefore, without queſtion, it highly concerns a people that have redeemed and reſcued their liberties out of the hands of tyranny, and are declared a free-ſtate, ſo to regulate their affairs, that all temptations, and opportunities of ambition, may be removed out of the way: or elſe there follows a neceſſity of tumult and civil diſſenſion, the common conſequence whereof hath ever been a ruin of the public freedom.

Thus Cæſar, who firſt took arms upon the public ſcore, and became the people's leader, letting in ambitious thoughts to his unbounded power, ſoon ſhook hands with his firſt friends and principles, and became another man: ſo that upon the fifft fair opportunity, he turned his arms on the public liberty.

Thus did Sylla ſerve the ſenate, and

Marius alſo the people, being the ſame tyrant, in effect, though not in name, nor in an open manner.

Thus did Piſiſtratus at Athens, Agathocles in Sicily, Coſmos, Soderino, and Savanarola in Florence, Caſtrucio in Lucca; and others, in many other places: nor muſt it be forgotten what the family of Orange would have done in Holland; for upon the very ſame account have uſurpations been commenced in all free-ſtates throughout the world.

Treaſon againſt the people's liberties, not to be pardoned.

The ninth, and laſt rule, for preſervation of the public freedom, is this, That it be made an unpardonable crime, to incur the guilt of treaſon againſt the intereſt and majeſty of the people.

And for the clearing of this, it will be requiſite to muſter up thoſe various particulars that come within the compaſs of treaſon, according to the practice and opinion of other nations. The firſt remarkable treaſon in old Rome, after its "eſtabliſhment in a ſtate of freedom," was that of Brutus his ſons, who entered into a formal conſpiracy for the bringing back of the Tarquins to the kingdom by force of arms.

This Brutus was the founder of the Roman liberty; and therefore one would have thought the young men might have obtained an eaſy pardon: but ſuch was the zeal of

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the Romans, for the preſervation of their freedom, that they were all put to death without mercy; and, that all others in time to come, might be deprived of the leaſt hope of being ſpared upon the like occaſion, their own father was the man moſt forward to bring them to execution.

This was treaſon in groſs: but in after-time, there ſtarted up more refined pieces of treaſon; as may be collected out of the actions of Mælius and Manlius, two perſons that had deſerved highly of the commonwealth; but eſpecially the latter, who ſaved it from ruin, when the Gauls had beſieged the Capitol.

Nevertheleſs, preſuming afterwards upon the people, becauſe of his extraordinary merits, he, by greating himſelf beyond the ſize of a good citizen, and entertaining thoughts and counſels of ſurprizing the people's liberties, was condemned to death; but yet not without the people's pity (as indeed it was an unhappy neceſſity, that they ſhould be forced to deſtroy him that had ſaved them from deſtruction.) To the ſame end came Mælius alſo, upon the like occaſion.

Another ſort of treaſon there was contrived likewiſe againſt that people.

And that was by thoſe magiſtrates, called the

the Decemviri, touching whoſe actions, and the ground of their condemnation, I only let you know,

That you may be ſufficiently informed by other pens than mine; ſuch as the hiſtorians Livy, Pomponius, Dionyſius, and others, that have written of the Roman affairs and antiquities.

A fourth ſort of treaſon againſt that people, was manifeſt uſurpation, acted over and over, long before the time of Cæſar.

Some other particulars alſo, there were, of leſs conſideration, that came within the compaſs of treaſon; and in all, they were very ſtrict to vindicate the intereſt of the commonwealth, without reſpect of perſons.

To thoſe paſſages out of the old commonwealth of Rome, let us add the reſt we have to ſay about this point, out of the practices of the preſent ſtate of Venice, the moſt exact for punctilios of that nature that ever was in the world; and therefore, queſtionleſs, it is the moſt principal cauſe of her ſo long continuance: It is, there, death without mercy, for any man to have the leaſt attempt, or thought, of conſpiring againſt the commonweal, and in ſeveral other caſes, as followeth.

Secondly, it is treaſon in caſe any ſenator betray counſels: there it is an unpardonable crime,

crime, and ſuch a mortal ſin, that draws on death without mercy.

This ſeverity alſo, was retained in the Roman ſtate, where ſuch as became guilty of this crime, were either burnt alive, or hanged upon a gibbet: " Hereupon," (ſaith Valerius Max. *lib.* 2.) " when any matter was " delivered, or debated, it was, as if no man " had heard a ſyllable of what had been ſaid " among ſo many :" from whence it came to paſs, that the decrees of their ſenate were called *Tacita*, that is to ſay, things concealed; becauſe never diſcovered, until they came to execution.

Thirdly, it is treaſon, without mercy, for any ſenators, or other officers of Venice, to receive gifts or penſions, from any foreign prince, or ſtate, upon any pretence whatſoever. It was an old Proverb among the Heathens, " That the gods themſelves " might be taken with gifts :" and therefore the conſequences muſt needs be dangerous, in the inferior courts of ſtates and princes; ſince nothing can be carried in this caſe, according to " native intereſt," and " ſound reaſon;" but only by pluralities of foreign dictates, and compliances: but in Venice they are ſo free from this treacherous impiety, that all ſtates which tranſact with them, muſt do it above-board, conſult be-

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fore-hand with their brains, and not their purſes: ſo that (as Thuanus ſaith) the king of France needs not uſe much labour to purchaſe an intereſt with any prince, or ſtate in Italy, unleſs it be the "Venetian re-"public," where all foreign compliances, and penſioners, are puniſhed with utmoſt ſeverity; but eſcape well enough, in other places.

Fourthly, it is treaſon for any of her ſenators to have any private conference with foreign ambaſſadors and agents. It is very obſervable alſo, among our neighbours of the Low-Countries, that one article of the charge, whereby they took off Barnevelt's head, was, for that he held familiarity and converſe with the Spaniſh ambaſſador, at the ſame time when Spain was an enemy.

Thus you have a brief deſcription of treaſon, in the moſt notable kinds of it, according to the cuſtoms and opinions of two of the moſt eminent free-ſtates, (which may ſerve inſtead of all the reſt) that have been in the world; who, as a principal rule and means for the preſervation of freedom, made it a crime unpardonable, to incur the guilt of treaſon, in any of theſe kinds againſt the intereſt and majeſty of the people in a free-ſtate.

We now return to the former main point

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of this diſcourſe, in tracing out the remainders of thoſe errors that have been received in the practice of policy.

A new reaſon of ſtate preferred before rules of honeſty, is an error in policy.

A fourth error in policy, and which is indeed epidemical, hath been the regulation of affairs by reaſon of ſtate, not by the ſtrict rule of honeſt. But for fear being miſtaken, you are to underſtand, that by reaſon of ſtate here, we do not condemn the equitable reſults of prudence and right reaſon; for upon determinations of this nature depends the ſafety of all ſtates, and princes; but that reaſon of ſtate that flows from a corrupt principle to an indirect end; that reaſon of ſtate which is the ſtateſman's reaſon, or rather his will and luſt, when he admits ambition to be a reaſon, preferment, power, profit, revenge, and opportunity, to be reaſon, ſufficient to put him upon any deſign of action that may tend to the preſent advantage; though contrary to the law of God, or the law of common honeſty and of nations.

A more lively deſcription of this ſtrange Pocus called "reaſon of ſtate," take as followeth. It is the moſt ſovereign commander, and the moſt important counſellor. Reaſon of ſtate is the care and compaſs of the ſhip, the life of a ſtate. That which anſwers all objections, and quarrels, about mal-government. That's it, which makes war, impoſes

poſes taxes, cuts off offenders, pardons offenders, ſends and treats ambaſſadors.

It can ſay and unſay, do and undo, balk the common road, make high-ways to become by-ways, and the furtheſt about, to become the neareſt cut. If a difficult knot come to be untied, which neither the divine by ſcripture, nor lawyer by caſe or precedent can untie, then reaſon of ſtate, or a hundred ways more, which idiots know not, diſſolves it. This is that great empreſs which the Italians call *raggione di ſtato*. It can rant as a ſoldier, compliment as a Monſieur, trick it as a juggler, ſtrut it as a ſtateſman, and is as changeable as the moon, in the variety of her appearances.

But we may take notice of a more excellent way in oppoſition to this ſandy foundation of policy, called "reaſon of ſtate," viz. a ſimple reliance upon God in the vigorous and preſent actings of all righteouſneſs, expreſt by honeſt men, in plain language, to this effect; *fiat juſtitia, & fractus illabatur orbis*; "Deal uprightly, walk cloſe and real to "your promiſes and principles; though the "fabrick of heaven and earth ſhould fall, yet "God is able to ſupport; he expects but ſo "much faith as will counterpoiſe a grain of "muſtard ſeed." Beſides, in following ſingly, a juſt and righteous principle, a man gains

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this advantage, that he may go on boldly, with a mind free from that torturing ſollicitude of ſucceſs; (he is ſubject to none of thoſe heats and colds, thoſe fits and frights, wherewith men are perpetually vexed, for fear of diſcovery or miſcarriage, when they have once intangled themſelves in any by-acting of engagements) he either proſpers, to the great good of his nation, or elſe dies with honour and triumph.

But thoſe that follow the other principle of "human invention," and ſerve that Italian goddeſs, *raggione di ſtato*, they may live awhile as gods, but ſhall die like men, and periſh like one of the princes.

But becauſe words will not ſerve the turn, take a few examples of thoſe many that might be fetched from all ages, and nations. It was "reaſon of ſtate" made Pharaoh hold the Iſraelites in bondage, and afterwards, when they were freed, to endeavour to bring them back again to their old ſlavery: but you know what he came to. It was "reaſon "of ſtate" that made Saul to ſpare Agag, and plot the ruin of David.

It was "reaſon of ſtate" that made Jeroboam to ſet up calves in Dan and Bethel.

It was "reaſon of ſtate," (and a ſhrewd one too) when Achitophel cauſed Abſalom to defile his father's concubines in the ſight of

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all Iſrael. You know what end they both came to. It was the ſame, that cauſed Abner, firſt, to take part with the houſe of Saul, and that cauſed Joab to kill him after he came to be his rival in fame, and the favour of David: their ends were both bloody.

Hence it was, that Solomon having pardoned Adonijah, thought fit afterwards to put him to death, upon a very ſlender occaſion.

And Jehu, though he had warrant from God to deſtroy all the houſe of Ahab his maſter; yet becauſe in the execution of it, he mingled "reaſon of ſtate," in relation to his own intereſt, and minded the eſtabliſhment of himſelf thereby, more than the command and honour of God, in the execution of juſtice: therefore God curſed him for his pains, threatening by the mouth of the prophet Hoſea, to avenge the blood of Ahab's family upon the houſe of Jehu.

It was "reaſon of ſtate" that moved Herod to endeavour the deſtruction of Chriſt, as ſoon as he was born.

It was "reaſon of ſtate" in the Jews, (leſt the Romans ſhould come and take away their place and nation) and in Pilate, (leſt he ſhould be thought no friend to Cæſar) that made them both join in crucifying the Lord

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of glory, and incur that heavy curſe, which at length fell upon the Jewiſh place and nation.

It is "reaſon of ſtate" that makes the Pope and the Cardinals ſtick ſo cloſe one to another, and binds them and the monarchs of Chriſtendom in one common intereſt, for the greatening of themſelves, and the enſlaving of the people; for which, a ſad deſtruction doth attend them.

It was "reaſon of ſtate" that deſtroyed ſo many millions of men (forſooth) in the "holy war;" that ſo princes might not have time to take notice of the Pope's uſurpation, nor the people leiſure and opportunity to call their princes to an account for their unbounded tyranny.

It was "reaſon of ſtate" that was pleaded in behalf of Borgia, to juſtify all his villanies, in wading through ſo much blood and miſchief to a principality in Italy; but he eſcaped not, to enjoy the fruit of all his labour.

It was the ſame devil that made Henry the IVth of France, to renounce his religion, and turn Papiſt, to ſecure himſelf from popiſh revenge; but God puniſhed him, and ſent a popiſh dagger through his heart.

It made Richard the third in England, to butcher his own nephew; for which, vengeance purſued him, being at laſt tied athwart a

horſe-back, naked and bloody, like a calf of the ſhambles.

It made Henry the VIIth to extinguiſh the line of Plantagenet, and his ſon after him, not only to dabble his hands in the blood of many, but to perſecute the proteſtants, notwithſtanding that he fell heavy alſo upon the Papiſts.

It made his daughter Mary to fill up the meaſure of her father's iniquities, as they could not be expiated by the virtues of her ſiſter, and ſucceſſor, whoſe only fault was, in following reaſon of ſtate ſo far, as to ſerve the intereſt of monarchy, above that of religion, by upholding an order of prelacy; ſo that in her the direct line of that family ended.

After this, it was wicked reaſon of ſtate that continued monarchy, and brought in a Scotchman upon us. This was James, who was ſo great an admirer of reaſon of ſtate, that he adopted it for its own darling, by the name of "King-craft:" and his motto, "No Biſhop, no King," ſhewed, that he preferred reaſon of ſtate before the intereſt of religion; as in other things, before honeſty: witneſs, among many other, his quitting the cauſe of God, and the Palatinate, to keep fair with the houſe of Auſtria: for which, and for the ſame reaſon of ſtate,

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put in practice by his ſon Charles, for the ruin of religion and liberty, by a bloody war, the whole family hath been brought to a ſad deſtruction.

Theſe examples are ſufficient to ſhew that reaſon of ſtate, preferred before the rule of honeſty, is an error in policy with a vengeance; as they that will not believe, ſhall be ſure to feel it, ſince it brings unavoidable ruin, not only to particular perſons, but upon whole families and nations.

A uniting of the legiſlative and executive powers in one and the ſame hands, an error in policy.

A fifth error in policy hath been this, viz. A permitting of the legiſlative and executive powers of a ſtate, to reſt in one and the ſame hands and perſons. By the legiſlative power, we underſtand the power of making, altering, or repealing laws, which in all well-ordered governments, hath ever been lodged in a ſucceſſion of the ſupreme councils of aſſemblies of a nation.

By the executive power, we mean that power which is derived from the other, and by their authority transferred into the hand or hands of one perſon (called a prince) or into the hands of many (called ſtates) for the adminiſtration of government, in the execution of thoſe laws. In the keeping of theſe two powers diſtinct, flowing in diſtinct channels, ſo that they may never meet in one,

ſave upon ſome ſhort extraordinary occaſion, conſiſts the ſafety of a ſtate.

The reaſon is evident; becauſe if the law-makers (who ever have the ſupreme power) ſhould be alſo the conſtant adminiſtrators and diſpenſers of law and juſtice, then (by conſequence) the people would be left without remedy, in caſe of injuſtice, ſince no appeal can lie under heaven againſt ſuch as have the ſupremacy; which, if once admitted, were inconſiſtent with the very intent and natural import of true policy: which ever ſuppoſeth, that men in power may be unrighteous; and therefore (preſuming the worſt) points always, in all determinations, at the enormities and remedies of government, on the behalf of the people.

For the clearing of this, it is worthy your obſervation; that in all kingdoms and ſtates whatſoever, where they have had any thing of freedom among them, the legiſlative and executive powers have been managed in diſtinct hands: that is to ſay, the law-makers have ſet down laws, as rules of government; and then put power into the hands of others (not their own) to govern by thoſe rules; by which means the people were happy, having no governors, but ſuch as were liable to give an account of government

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to the ſupreme council of law-makers. And on the other ſide, it is no leſs worthy of a very ſerious obſervation, that kings and ſtanding ſtates never became abſolute over the people, till they brought both the making and execution of laws into their own hands: and as this uſurpation of theirs took place by degrees, ſo unlimited arbitrary power crept up into the throne, there to domineer over the world, and defy the liberties of the people.

Cicero, in his ſecond book *De Offic.* and his third, *De Legibus*, ſpeaking of the firſt inſtitution of kings, tells us, how they were at firſt left to govern at their own diſcretion without laws. Then their wills, and their words, were law; the making and execution of laws was in one and the ſame hands.

But what was the conſequence? Nothing but injuſtice, and injuſtice without remedy, till the people were taught by neceſſity to ordain laws, as rules whereby they ought to govern. Then began the meeting of the people ſucceſſively in their ſupreme aſſemblies, to make laws; whereby kings (in ſuch places as continued under the kingly form) were limited and reſtrained, ſo that they could do nothing in government, but what was agreeable to law; for which they were accountable, as well as other officers were in

other forms of government, to thoſe ſupreme councils and aſſemblies. Witneſs all the old ſtories of Athens, Sparta, and other countries of Greece, where you ſhall find, that the law-making, and the law-executing powers, were placed in diſtinct hands under every form of government: for, ſo much of freedom they retained ſtill under every form, till they were both ſwallowed up (as they were ſeveral times) by an abſolute domination.

In old Rome, we find Romulus their firſt king cut in pieces by the ſenate, for taking upon him to make and execute laws at his own pleaſure. And Livy tells us, that the reaſon why they expelled Tarquin their laſt king, was, becauſe he took the executive and legiſlative powers both into his own hands, making himſelf both legiſlator and officer, *inconſulto ſenatu*, "without advice, and in defiance of the ſenate."

Kings being caſhiered, then their ſtanding-ſenates came in play, who making and executing laws, by decrees of their own, ſoon grew intolerable, and put the people upon divers deſperate adventures, to get the legiſlative power out of their hands, and place it in their own; that is, in a ſucceſſion of their ſupreme aſſemblies: But the executive power they left, part in the hands of officers of their own, and part in the ſenate; in which

which ſtate it continued ſome hundreds of years, to the great happineſs and content of all, till the ſenate by ſleights and ſubtilties got both powers into their own poſſeſſion again, and turned all into confuſion.

Afterwards, their emperors (though uſurpers) durſt not at firſt turn both theſe powers into the channel of their own unbounded will; but did it by degrees, that they might the more inſenſibly deprive the people of their liberty, till at length they openly made and executed laws at their own pleaſure, being both legiſlators and officers, without giving an account to any: and ſo there was an end of the Roman liberty.

To come nearer home, let us look into the old conſtitution of the commonwealths and kingdoms of Europe. We find in the Italian ſtates, Venice, which having the legiſlative and executive power, confined within the narrow pale of its nobility in the ſenate, is not ſo free as once Florence was, with Siena, Milan, and the reſt; before their dukes, by arrogating both thoſe powers to themſelves, wormed them out of their liberty.

Of all thoſe ſtates there, only Genoa remains in a free poſture, by keeping the power of legiſlation only in their ſupreme aſſemblies, and leaving the execution of law in a titular

duke and a council. The keeping of theſe powers aſunder within their proper ſphere, is one principal reaſon why they have been able to exclude tyranny out of their own ſtate, while it hath run the round in Italy.

What made the Grand Seignior abſolute of old, but his ingroſſing both theſe powers? and of late the kings of Spain and France? In ancient times the caſe ſtood far otherwiſe; for in Ambroſio Morales his Chronicle you will find, that in Spain the legiſlative power was lodged only in their ſupreme council, and their king was no more but an elective officer, to execute ſuch laws as they made, and in caſe of failing, to give them an account, and ſubmit to their judgments, which was the common practice; as you may ſee alſo in Mariana. It was ſo alſo in Aragon, till it was united to Caſtile, by the marriage of Ferdinand and Iſabel; and then both ſtates ſoon loſt their liberty, by the projects of Ferdinand and his ſucceſſors, who drew the powers of legiſlation and execution of law, within the verge and influence of the prerogative royal: whilſt theſe two powers were kept diſtinct, then theſe ſtates were free; but the ingroſſing of them in one and the ſame hands, was the loſs of their freedom.

France likewiſe was once as free as any nation

nation under heaven: though the king of late hath done all, and been all in all, till the time of Lewis the XIth, he was no more but an officer of ſtate, regulated by law, to ſee the laws put in execution; and the legiſlative power (that) reſted in the aſſembly of the three eſtates; but Lewis by ſnatching both theſe powers into the ſingle hands of himſelf, and his ſucceſſors, rookt them out of their liberty; which they may now recover again, if they have but ſo much manhood, as to reduce the two powers into their ancient, or into better channels.

This pattern of Lewis was followed cloſe by the late * king of England, who by our ancient laws, was the ſame here, that Lewis ought to have been in France, an officer in truſt, to ſee to the execution of the laws: but by aiming at the ſame ends which Lewis attained, and ſtraining, by the ruin of parliaments, to reduce the legiſlative power, as well as the executive into his own hands, he, inſtead of an abſolute tyranny, which might have followed his project, brought a ſwift deſtruction upon himſelf and family.

Thus you ſee it appears, that the keeping of theſe two powers diſtinct, hath been a ground preſervative of the people's intereſt, whereas their uniting hath been its ruin all along in ſo many ages and nations.

A ſixth

* Charles I

Affairs of ſtate tranſacted by a few, is an error in policy.

A ſixth error in policy, obſervable in the practices of other times and nations, hath been a reducing tranſactions, and the intereſts of the public, into the diſpoſition and power of a few particular perſons. The ill conſequences whereof have ever been theſe; that matters were not wont to be carried by fair, friendly, and legal debates, but by deſign and ſurprizal; not by freedom, and conſent of the people, in their open aſſemblies; but according to the premeditated reſolutions, and foreſtalments of crafty projectors in private cabinets, and junto's; not according to the true intereſt of ſtate, but in order to the ſerving of men's ends; not for the benefit and improvement of the people, but to keep them under as ignorant of true liberty, as the horſe and mule; that they might be bridled and ſaddled, and ridden, under the wiſe pretences of being governed and kept in order. But the grand and worſe conſequences of all, hath been this; that ſuch collegues, partners, and ingroſſers of power having once brought about their ends by lying practices upon the people; have ever fallen into fits of emulation againſt themſelves, and the next deſign hath ever been to rook their fellows, and rid themſelves of competitors; ſo that at length they have been their own executioners, and ruined one another. And had it been only the deſtruction

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of themſelves, the matter were not conſiderable; but the people having by this means been torn with civil diſſenſions, and the miſeries of war, by being drawn into parties, according to their ſeveral humours and affections; the uſual event ever was, that in the end they have been ſeized as the prey of ſome ſingle tyrant.

An example of this there was in the ſtate of Athens, under the government of thoſe thirty men, who uſurped the power into their own hands, and were afterwards called the thirty tyrants, for their odious behaviour; for Xenophon tells us, that they drew the determinations of all things into their own cloſets, but ſeemed to manage them, *calculis & ſuffragiis plebis*, "by the votes of the people," which they had brought to their own devotion in the aſſembly, to countenance their proceedings. And their cuſtom was, if any ſort of men complained, and murmured at their doings, or appeared for the public, immediately to ſnap them off by the loſs of life or fortune, under a pretence of being ſeditious and turbulent fellows againſt the peace of their tyranny. Theſe junto-men had not been many months in poſſeſſion, but they began to quarrel with one another; and the reaſon why the game went not on, againſt one another, was; becauſe the people took it

out of their hands, and diverted the courſe of their ſpleen againſt each other, into a care of mutual defence, they being aſſaulted on every ſide, by popular arms and clamours, for the recovery of liberty. So you ſee the event of theſe thirty men's combination, was no leſs than a civil war; and it ended in their baniſhment. But as great a miſchief followed, for a new junto of ten men got into their places, whoſe government proving little leſs odious than the former, gave an occaſion to new changes, which never left ſhifting, till at laſt they fell into a ſingle tyranny. And the wilder ſort of people, having by a ſad experience, felt the fruits of their own error, in following the luſts and parties of particular powerful perſons, grew wiſe; and combining with the honeſter ſort, they all as one man, ſet their ſhoulders to the work, and reſtored the primitive majeſty and authority of their ſupreme aſſemblies.

Herodotus in his ſecond book, tells us, that monarchy being aboliſhed in Egypt, after the death of king Setho, and a declaration publiſhed for the freedom of the people, immediately the adminiſtration of all affairs was engroſſed in the hands of twelve grandees, who having made themſelves ſecure againſt the people, in a few years fell to quarrelling with one another (as the manner

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is) about their ſhare in the government. This drew the people into ſeveral parties, and ſo a civil war enſued; wherein Pſammeticus (one of the twelve) having ſlain all his partners, left the people in the lurch, and inſtead of a free-ſtate, ſeated himſelf in the poſſeſſion of a ſingle tyranny.

But of all old inſtances, the moſt famous are the two triumvirates that were in Rome. The firſt was that of Pompey, Cæſar, and Craſſus, who having drawn the affairs of the empire, and the whole world into their own particular hands, acting and determining all in a private junto of their own, without the advice or conſent of the ſenate and people, unleſs it were now and then to make ſtalking horſes of them, for the more clearly conveyance of ſome unpleaſing deſign: theſe men, having made an agreement among themſelves, that nothing ſhould be done in the commonwealth, but what pleaſed their own humour, it was not long ere the ſpirit of ambition ſet them flying at the faces of one another, and drew the whole world upon the ſtage, to act that bloody tragedy, whoſe cataſtrophe was the death of Pompey, and the dominion of Cæſar. The ſecond triumvirate was erected after the fatal ſtab given to Cæſar in the ſenate, between Octavius (afterwards emperor by the name of Auguſtus,) Lepidus, and

and Anthony: theſe having drawn all affairs into their own hands, and ſhared the world between them, preſently fell a bandying againſt one another. Auguſtus picking a quarrel with Lepidus, gave him a lift out of his authority, and confined him to a cloſe impriſonment in the city. This being done firſt, he had the more hope and opportunity next for the outing of Anthony: he picks a quarrel with him too, begins a new civil war, wherein Rome and a great part of the world was engaged to ſerve his ambition; and things being brought to the deciſion of a battle, and the ruin of Anthony, he afterwards ſeated, and ſecured himſelf in the enjoyment of a ſingle tyranny

Omitting many other inſtances, here in England, it is worthy obſervation, that in the great conteſt between Henry the third, and the barons, about the liberties of themſelves and the people, the king being forced at length to yield, the lords, inſtead of freeing the nation indeed, ingroſſed all power into their own hands, under the name of the twenty-four conſervators of the kingdom, and behaved themſelves like *totidem tyranni*, "ſo many tyrants," acting all in their own names, and in junto's of their own, wholly neglecting, or elſe over-ruling parliaments. But then not agreeing among themſelves, there

were three or four of them defeated the other twenty, and drew the entire management of affairs into their own hands, viz. the earls of Leiceſter, Glouceſter, Hereford, and Spencer; yet it continued ſo not long; for, Leiceſter getting all into his own power, fell at enmity with Glouceſter, and was defeated by him.

At length, Leiceſter putting his fortune to a battle, was ſlain; and the king thereupon, getting all power back again, took advantage of that opportunity for the greatening of himſelf, and prerogative.

And ſo you ſee, all that the people got by the effuſion of their blood, and loſs of their peace, was, that inſtead of one tyrant, they had twenty-four, and then four; and after them a ſingle uſurper, (which was Montfort, earl of Leiceſter) and he being gone, they were forced to ſerve their old tyrant Henry the third again, who, by this means, became the more ſecure and firm in his tyranny: whereas if they had dealt like men of honour, and made the nation as free as they pretended, not ingroſſing all into their own private hands, but inſtating the liberty of England paramount above the regal prerogative, in a due and conſtant courſe of ſucceſſive parliaments (without which liberty is but a mere name and ſhadow), then all the ſucceeding

inconveniences

inconveniences had been ſurely prevented: the bloody bickering afterwards might have been avoided, their own perſons and honours preſerved, kings either caſhiered or regulated, as they ought to have been, and the whole nation freed from thoſe after-gripes and pangs, inflicted by that Henry and his corrupt line of ſucceſſors.

The world affords many inſtances of this kind, but theſe are ſufficient to manifeſt the fatal conſequences that have happened, in permitting public tranſactions and intereſts to be ingroſſed, and reſt in the power of a few particular perſons, and that it deſerves to be marked (as one ſaith) with a black coal, as a moſt pernicious error in policy.

Driving of faction and parties, a main error in policy.

A ſeventh error in policy, is the driving of factions and parties. Now that you may know what faction is, and which is the factious party in any ſtate or kingdom, afflicted with that infirmity; the only way is firſt to find out the true and declared intereſt of ſtate; and then if you obſerve any deſigns, counſels, actings, or perſons, moving in oppoſition to that which is the true public intereſt, it may be infallibly concluded, that there lies the faction, and the factious party, which is ſo much the more dangerous, in regard it not only afflicts and tears commonwealths with diviſions and diſcords at home, but in the

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end expoſes them to the mercy (or rather) the malice of ſome public enemy, either at home, or from abroad, and brings a ſad deſolation and ruin upon the eſtates, lives, and liberties of the people.

There is a notable faction we read of in this Roman ſtory, which was that of the Decemviri, who being intruſted with the government, and the time of their truſt expired, they, inſtead of making a reſignation, combined together for the perpetuation of the power in their own hands, contrary to the intent of their firſt election, and in defiance of that which twelve months before had been declared the intereſt of the commonwealth. The grand engineer among them was Appius Claudius, who managed his deſign by promiſing the nobility, that if they would ſtick to the Decemviri, then the Decemviri would ſtick to them, and join with them, in keeping under the people and their tribunes, and to defeat them of their ſucceſſive aſſemblies. By this means he ſowed the ſeeds of an immortal enmity between the ſenate and the people; though himſelf and his collegues were notwithſtanding deceived of their own eſtabliſhment, and ſoon caſhiered from their imperious domination.

If we conſider alſo what befel Carthage, and how it came to ruin: the ſtory tells us,

it was occaſioned by their factions, the whole ſenate being divided betwixt two potent families of Hannibal and Hanno; by which means they were diſenabled from carrying on their war with unanimity and alacrity, as was requiſite againſt ſuch wary gameſters as the Romans, who made ſuch uſe of their civil diſſenſions, that they ſoon laid the glory of that famous republic in the duſt.

It was faction and civil diſſenſion that deſtroyed Rome itſelf: that is to ſay, her liberty, and made her ſtoop under the yoke of Cæſar.

And it muſt not be omitted, that when her liberty was firſt eſtabliſhed, and Tarquin expelled, he had like to have made his way back again, by reaſon of their diviſions. And though he miſſed his aim there, yet Piſiſtratus, another tyrant, being driven out of Athens, made a ſhift to get in again, by reaſon of their mutual diviſions.

It was the ſame devil of faction, and civil diſſenſion, (as Philip de Comines tells us) that made way for the Turk into Hungaria, as it let him in before into Conſtantinople; that admitted the Goths and Vandals into Spain and Italy; the Romans into Jeruſalem, firſt under Pompey; and afterwards under Veſpaſian and Titus.

It was the cauſe why Genoa, for a time, was

was content to ſubmit to the family of Sforza, dukes of Milan. It brought the Spaniard into Sicily and Naples; and the French once into Milan, where they outed the aforenamed family of Sforza.

From hence, therefore, let us conclude, that no error is more dangerous, no treaſon more pernicious to a commonwealth, than the driving of faction.

Breach of vows and promiſes, a main error in policy.

An eighth and laſt error, obſervable in practice of times and nations, hath been a violation of faith, principles, promiſes, and engagements, upon every turn of time, and advantage. An impiety that ought to be exploded out of all nations, that bear the name of Chriſtians: and yet we find it often paſs, among the leſs diſcerning ſort of men, for admirable policy: and thoſe impoſtors that uſed it, have had the luck to be eſteemed the only politicians. But yet, leſt ſo many wiſe men of the world, as have been given up to this monſtrous vanity, ſhould be thought to have no reaſon for it, I remember, I find it uſually expreſt in Machiavel, to be this, becauſe the greateſt part of the world being wicked, unjuſt, deceitful, full of treachery and circumvention, there is a neceſſity that thoſe which are downright, and confine themſelves to the ſtrict rule of honeſty, muſt ever look to be over-reached by the knavery

of others. And take this for certain, (ſaith he) *Qui ſe virum bonum omnibus partibus profiteri ſtudet, eum certè inter tot non bonos periclitari neceſſe eſt.* "He which endeavours to "approve himſelf an honeſt man to all parties, "muſt of neceſſity miſcarry among ſo many "that are not honeſt." Becauſe ſome men are wicked and perfidious, I muſt be ſo too. This is a ſad inference, and fit only for the practice of Italy, where he wrote it.

The ancient Heathen would have loathed this; and the Romans (who were the nobleſt of them all) did in all their actions deteſt it, reckoning plain honeſty to have been the only policy, and the foundation of their greatneſs. *Favendo pietati fideique, populus Romanus ad tantum faſtigii pervenerit.* "The people of "Rome attained to ſo great a height, by ob-"ſerving faith and piety:" whereof you ſhall ſee an inſtance or two.

In the war between them and Porſena king of the Tuſcans, it ſo happened, that their city was beſieged by Porſena: but peace being made, upon ſome advantageous conditions for the Tuſcans, the Romans, for the performance of their conditions, were forced to yield up divers noble virgins.

Theſe virgins, after ſome time, made an eſcape from the Tuſcans, and came back to Rome, but were demanded again.

Hereupon

Hereupon the ſenate, though they were then recovered, and in a poſture able to have defied the Tuſcans, and denied the performance of thoſe harſh conditions, choſe rather to preſerve their faith inviolate, than to take the preſent advantage; and ſo delivered up the virgins.

The behaviour alſo of Attilius Regulus, is very memorable, who being priſoner at Carthage, and condemned to a cruel death, was, notwithſtanding, permitted to go to Rome, upon his bare parole, to propound certain terms to the ſenate; which if they yielded, then he was to have his liberty: if not, he was to return again to Carthage, and to ſuffer.

The ſenate not yielding, he, rather than violate his faith, did return, and ſuffer, being put into a barrel ſpiked with nails, and tumbled down a hill by the Carthaginians. Nor was it the temper only of a few perſons; but general throughout the whole nation, as might be ſhown by innumerable examples; eſpecially in their leagues and treaties with other nations.

But that you may the better know, and avoid the impious impoſtors, I ſhall repreſent them in Machiavel's own language; who in that unworthy book of his, entitled, "The Prince," hath made a moſt unhappy deſcrip-

tion of the wiles that have been uſed by thoſe jugglers; and thereby left a leſſon upon record, which hath been practiſed ever ſince by all the ſtate-rooks in Chriſtendom. And therefore, ſince they have made ſo ill uſe of it, I ſuppoſe the beſt way to prevent the further operation of the poiſon, is, to ſet it down here before you, (as I ſhall do *verbatim*, without adding, or diminiſhing a ſyllable) and then make two or three inferences thereupon, for the practice of the people.

"*In what manner princes ought to keep their words.* How commendable in a prince it is to keep his word, and live with integrity, not making uſe of cunning and ſubtlety, every one knows well: yet we ſee by experience, in theſe our days, that thoſe princes have effected great matters, who have made ſmall reckoning of keeping their words, and have known by their craft, how to turn and wind men about, and in the end overcome thoſe who have grounded upon the truth.

"You muſt then know, there are two kinds of combating or fighting: the one, by right of the laws: the other, merely by force. That firſt way is proper to men: the other is alſo common to beaſts. But becauſe the firſt many times ſuffices not, there is a neceſſity

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to make recourſe to the ſecond: wherefore, it behoves a prince to know how to make good uſe of that part which belongs to a beaſt, as well as that which is proper to a man.

"This part hath been covertly ſhewed to princes by ancient writers; who ſay, that Achilles, and many others of thoſe ancient princes, were intruſted to Chiron the Centaur, to be brought up under his diſcipline. The moral of this, having for their teacher, one that was half a beaſt, and half a man, was nothing elſe, but that it was needful for a prince to underſtand how to make his advantage of the one, and other nature, becauſe neither could ſubſiſt without the other.

"A prince then being neceſſitated to know how to make uſe of that part belonging to a beaſt, ought to ſerve himſelf of the conditions of the fox and the lyon; for the lyon cannot keep himſelf from ſnares, nor the fox defend himſelf againſt the wolves. He had need then be a fox, that he may beware of the ſnares; and a lyon that he may ſcare the wolves. Thoſe that ſtand wholly upon the lyon, underſtand not themſelves.

"And therefore a wiſe prince cannot, nor ought not to keep his faith given, when the obſervance thereof turns to diſadvantage, and

the occaſions that made him promiſe, are paſt: for if men were all good, this rule would not be allowable; but being they are full of miſchief, and will not make it good to thee, neither art thou tied to keep it with them: nor ſhall a prince ever want lawful occaſions to give colour to this breach. Very many modern examples hereof might be alledged, wherein might be ſhewed, how many peaces concluded, and how many promiſes made, have been violated and broken by infidelity of princes; and ordinarily things have beſt ſucceeded with him that hath been neareſt the fox in condition.

"But it is neceſſary to underſtand, how to ſet a good colour upon this diſpoſition, and be able to feign and diſſemble throughly; and men are ſo ſimple, and yield ſo much to the preſent neceſſities, that he who hath a mind to deceive, ſhall always find another that will be deceived. I will not conceal any of the examples that have been of late; Alexander the Sixth never did any thing elſe, than deceive men, and never meant otherwiſe, and always found whom to work upon; yet never was there man that would proteſt more effectually, nor aver any thing with more ſolemn oaths, and obſerve them leſs than he: nevertheleſs, his cozenage thrived well

with

with him, for he knew how to play his part cunningly.

"Therefore is there no neceſſity for a prince to be endued with all thoſe above written qualities, but it behoves well that he ſeem to be ſo: or rather I will boldly ſay this, that having thoſe qualities, and always regulating himſelf by them, they are hurtful; but ſeeming to have them, they are advantageous, as to ſeem pitiful, faithful, mild, religious, and indeed to be ſo (provided withal thou beeſt of ſuch a compoſition, that if need require thee to uſe the contrary, thou canſt, and knoweſt how to apply thyſelf thereto.) And it ſuffices to conceive this, that a prince, and eſpecially a new prince, cannot obſerve all theſe things, for which men are held good, he being often forced, for the maintenance of his ſtate, to do contrary to his faith, charity, humanity, and religion. And therefore it behoves him to have a mind ſo diſpoſed as to turn and take the advantage of all winds and fortunes; and as formerly I ſaid, not forſake the good while he can; but to know to make uſe of the evil upon neceſſity. A prince then ought to have a ſpecial care, that he never let fall any words, but what are all ſeaſoned with the five above written qualities: and let him ſeem to him that ſees and knows him, all pity, all faith, all integrity,

tegrity, all humanity, all religion; nor is there any thing more neceſſary for him to ſeem to have, than the laſt quality: for all men in general judge thereof, rather by the ſight than by the touch; for every man may come to the ſight of him, few come to the touch and feeling of him; every man may come to ſee what thou ſeemeſt; few come to underſtand and perceive what thou art: and thoſe few dare not oppoſe the opinion of many, who have the majeſty of ſtate to protect them. And in all men's actions, eſpecially thoſe of princes, wherein there is no judgment to appeal unto, men forbear to give their cenſures till the events, and ends of things. Let a prince therefore take the ſureſt courſes he can to maintain his life and ſtate, the means ſhall always be thought honourable, and commended by every one: for the vulgar is ever taken with the appearance and event of a thing, and for the moſt part of the people, they are but the vulgar, the others that are but few, take place where the vulgar have no ſubſiſtence. A prince there is in theſe days, whom I ſhall not do well to name, that preaches nothing but peace and faith, but had he kept the one and the other, ſeveral times had they taken from him his ſtate and reputation."

This

This is the old court Gospel, which hath gained many thousand of profelytes, among the great ones, from time to time, and the inferences arising thence in behalf of the people, in brief are these: That since the great ones of the world have been very few that have avoided this doctrine, therefore it concerns the people to keep a strict hand and eye upon them all, and impose not overmuch or long confidence in any.

If the right of laws be the way of men, and force of beasts and great ones, not only advised, but inclined to the latter, then it concerns any nation or people to secure themselves, and keep great men from degenerating into beasts, by holding up of law, liberty, privilege, birth-right, elective power, against the ignoble beastly way of powerful domination.

If of all beasts, a prince should sometimes resemble the lion, and sometimes the fox, then people ought to observe great ones in both the disguises, and be sure to cage the lion, and unkennel the fox, and never leave till they have stript the one, and unraised the other.

If a prince cannot, and ought not to keep his faith given, when the observance thereof turns to disadvantage, and the occasions that made him promise, are past; then it is the

intereſt of the people, never to truſt any princes, nor engagements and promiſes of men in power, but ever to preſerve a power within themſelves, either to reject them, or to hold them to the performance whether they will or no. And if princes ſhall never want occaſions to give colour to this breach, then alſo it concerns the people, ever to make ſure of the inſtance, and not ſuffer themſelves to be deluded with colours, ſhadows, and mere pretences.

Laſtly, if it be neceſſary for great ones to feign and diſſemble thoroughly; becauſe men are ſo ſimple, and yield ſo much to the preſent neceſſity (as Machiavel ſaith;) and in regard he that hath a mind to deceive, ſhall always find another that will be deceived: then it concerns any people or nation, to make a narrow ſearch ever into the men, and their pretences and neceſſities, whether they be feigned or not; and if they diſcover any deceit hath been uſed, then they deſerve to be ſlaves, that will be deceived any longer. Thus I have noted the prime errors of government, and rules of policy. I ſhall now conclude with a word of advice, in order to the chuſing of the ſupreme aſſemblies.

Since it appears, that the right, liberty, welfare, and ſafety of a people, conſiſts in

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a due ſucceſſion of their ſupreme aſſemblies: ſurely then, the right conſtitution and orderly motion of them, is of the greateſt conſequence that can be, there being ſo much embarked in this veſſel, that if it ſhould miſcarry, all is irreparably loſt, unleſs it can be recovered again out of the ſea of confuſion. Therefore, as at all times there ought to be an eſpecial care had to the compoſure and complexion of thoſe great aſſemblies, ſo much more after the confuſion of a civil war, where it is ever to be ſuppoſed, there will be many diſcontented humours a-working, and labouring to inſinuate themſelves into the body of the people, to undermine the ſettlement and ſecurity of the commonwealth, that by gaining an intereſt and ſhare with the better ſort, in the ſupreme authority, they may attain thoſe corrupt ends of policy, which were loſt by power.

In this caſe without queſtion, there are ſeveral men that ought to be taken into a ſtrict conſideration. There is the old malignant and the new; againſt whom, not only the doors are to be ſhut, but every hole and cranny ought to be ſtopt, for fear they creep into authority. There is likewiſe a tame beaſt, more dangerous than the other two, which is that amphibious animal, the neu-

tral

tral of Laodicea, that can live in either element, ſail with any wind on every point of the compaſs, and ſtrike in with malignants of every ſort, upon any occaſion.

This is he that will undo all, if he be not avoided; for in the form of an angel of light, he moſt ſlightly carries on the works of darkneſs. Let not him then, as to our preſent caſe, be ſo much as named upon an election. Thus much for the conſtitution of the ſupreme aſſembly, or the manner of ſettling authority upon the cloſe of a civil war, for the recovery of liberty. What remains then, but that upon due caution for excluding the wild geeſe and the tame, the malignant and the neutral, ſuch a people may reaſonably be put into poſſeſſion of their right and intereſt in the legiſlative power, and of all enjoyment of it, in a ſucceſſion of their ſupreme aſſemblies.

The only way to preſerve liberty in the hands of a people, that have gained it by the ſword, is to put it in the people's hands, that is, into the hands of ſuch as by a contribution of their purſes, ſtrength, and counſels, have all along aſſerted it, without the leaſt ſtain of corruption, ſtaggering, or apoſtacy; for in this caſe, theſe only are to be reckoned the people: the reſt having either

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by a traitorous engagement, compliance, neutrality, or apoſtacy, as much as in them lies, deſtroyed the people, and by conſequence made a forfeiture of all their rights and immunities, as members of a people. In this caſe therefore men ought to have a courage; and to have a care of the courſe of election, and truſt God with the ſucceſs of a righteous action; for nothing can be more righteous and neceſſary, than that a people ſhould be put into poſſeſſion of their native right and freedom. However they may abuſe it, it is their right to have it, and the want of it is a greater inconvenience, and draws greater inconveniences after it, than any can be pretended to ariſe from the enjoyment, though they were preſented in a multiplying glaſs, to the eyes of diſcerning men. But now, as this holds true at all times, in all nations, upon the like occaſions of liberty, newly purchaſed, ſo much more in any nation, where freedom, in a ſucceſſive courſe of the people's aſſemblies, hath once been ſolemnly acknowledged and declared to be the intereſt of the commonwealth; for, then a depriving the people of their due, is a foundation for broils and diviſions; and as Cicero defines faction to be a deviation from the declared intereſt of ſtate, ſo in this caſe, if it happen that any

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ſhall deſert a commonwealth in its declared intereſt, they immediately loſe the name and honour of patriots, and become parties in a faction.

FINIS.

17 JY 60